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93-53 U.S. SECRET SERVICE PROCEDURES AND REGULATIONS

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HEARINGS
BEFORE THE
SUBCOMMITTEE ON
CLAIMS AND GOVERNMENTAL RELATIONS
OF THE
COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

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NINETY-THIRD CONGRESS

SECOND SESSION

ON

H.R. 11499

TO ESTABLISH PROCEDURES AND REGULATIONS FOR
CERTAIN PROTECTIVE SERVICES PROVIDED BY THE
UNITED STATES SECRET SERVICE

AUGUST 21, AND SEPTEMBER 12 AND 19, 1974

Serial No. 53



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WASHINGTON : 1974

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U.S. SECRET SERVICE PROCEDURES AND REGULATIONS

WEDNESDAY, AUGUST 21, 1974

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CLAIMS AND
GOVERNMENTAL RELATIONS OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met at 10:15 a.m., pursuant to notice, in room 2141, Rayburn House Office Building, Hon. Harold D. Donohue [chairman of the subcommittee] presiding.

Present: Representatives Donohue, Mann, Danielson, Thornton, Butler, Froehlich, and Lott.

Also present: William P. Shattuck, counsel, and Alan F. Coffey, associate counsel.

Mr. DONOHUE. This meeting will now come to order.

This morning we will have the initial hearing on the bill, H.R. 11499, which would establish procedures and regulations for certain protective services provided by the Secret Service.

The provisions of the bill would provide limitations and requirements for the implementation of the responsibility of the Secret Service under section 3056 of our title 18, concerning protection of the President and other persons, and under section 1 of Public Law 90-331 concerning protection of major Presidential or Vice Presidential candidates.

[A copy of H.R. 11499 follows:]

(1)

93D CONGRESS
1ST SESSION

H. R. 11499

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 15, 1973

Mr. BROOKS (for himself, Mr. DONOHUE, Mr. JAMES V. STANTON, Mrs. COLLINS of Illinois, and Mr. CULVER) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To establish procedures and regulations for certain protective services provided by the United States Secret Service.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Presidential Protec-
4 tion Assistance Act of 1973".—

5 SEC. 2. In performance of the protective duties of the
6 United States Secret Service pursuant to section 3056 of
7 title 18 of the United States Code (pertaining to the pro-
8 tection of the President of the United States and other
9 persons) and the first section of the Act entitled "An Act to
10 authorize the United States Secret Service to furnish protec-
11 tion to major presidential or vice presidential candidates",

1 approved June 6, 1968 (Public Law 90-331; 82 Stat.
2 170), Federal departments and agencies shall assist the
3 United States Secret Service by—

4 (1) providing, without reimbursement, personnel,
5 equipment, or facilities on a temporary basis for a pe-
6 riod not to exceed two weeks at any one location in any
7 one year;

8 (2) providing, upon advance written request of the
9 Director of the United States Secret Service or his au-
10 thorized representative and upon reimbursement by the
11 United States Secret Service of actual costs, such fa-
12 cilities, equipment, and services as are required by the
13 United States Secret Service to secure no more than one
14 property not in Government ownership or control, such
15 property having been designated by a President, Presi-
16 dent-elect, former President, or any other person en-
17 titled to protection under the above provisions of law, as
18 the one property to be secured under this paragraph, but,
19 if such President, President-elect, former President, or
20 other person subsequently designates a different prop-
21 erty to be so secured, such person shall compensate the
22 Government for all expenditures made under this section
23 with regard to the previously designated property to the
24 extent such expenditures are not otherwise recoverable
25 by the Government; and

1 (3) providing, upon advance written request of
2 the Director of the United States Secret Service or his
3 authorized representative and upon reimbursement by
4 the Secret Service of actual costs, such facilities, equip-
5 ment, and services, as are required by the United States
6 Secret Service to secure any other property not in Gov-
7 ernment ownership or control to the extent that such
8 expenditures do not cumulatively exceed \$5,000 at any
9 one property owned, leased, occupied, or otherwise
10 utilized by persons entitled to protection under such sec-
11 tions of title 18 and such Act.

12 SEC. 3. Expenditures by the United States Secret
13 Service for maintaining a permanent guard detail to secure
14 non-Government property owned, leased, occupied, or other-
15 wise utilized by persons entitled to protection under the
16 above provisions of law shall be limited to properties de-
17 scribed in section 2 (2) of this Act.

18 SEC. 4. All purchases and contracts entered into pur-
19 suant to sections 2 (2) and 2 (3) of this Act shall be made
20 in accordance with the provisions of the Federal Property
21 and Administrative Services Act of 1949.

22 SEC. 5. No payments shall be made pursuant to this
23 Act for services, equipment, or facilities ordered, purchased,
24 leased, or otherwise procured by persons other than officers
25 or employees of the Federal Government duly authorized

1 by the Director of the United States Secret Service to make
2 such procurements.

3 SEC. 6. All improvements and other items acquired pur-
4 suant to this Act shall remain the property of the Federal
5 Government and shall be removed at the termination of the
6 protective responsibility of the United States Secret Service
7 unless it is economically unfeasible, as determined by the
8 United States Secret Service, to do so.

9 SEC. 7. Expenditures under this Act, except those made
10 pursuant to section 2 (1), shall be from funds specifically
11 appropriated to the United States Secret Service for carry-
12 ing out the provisions of this Act. Public funds not so appro-
13 priated shall not be used for the purpose of securing any
14 nongovernmentally owned property owned, leased, occupied,
15 or otherwise utilized by persons entitled to protection under
16 section 3056 of title 18 of the United States Code and the
17 first section of the Act entitled "An Act to authorize the
18 United States Secret Service to furnish protection to major
19 presidential or vice presidential candidates", approved
20 June 6, 1968 (Public Law 90-331; 82 Stat. 170).

21 SEC. 8. Every department and agency, including the
22 Executive Office of the President, making expenditures pur-
23 suant to this Act shall transmit a detailed report of such
24 expenditures to the Committees on Appropriations and Com-
25 mittees on Government Operations of the House of Repre-

1 sentatives and Senate on April 30 and September 30 of
2 each year.

3 SEC. 9. Section 2 of the Act entitled "An Act to au-
4 thorize the United States Secret Service to furnish protection
5 to major presidential and vice presidential candidates", ap-
6 proved June 6, 1968 (Public Law 90-331; 82 Stat. 170),
7 is repealed.

Mr. DONOHUE. The first witness we will hear from this morning is our esteemed associate, the gentleman from Texas, Congressman Jack Brooks.

You may proceed, Mr. Brooks.

**TESTIMONY OF HON. JACK BROOKS, A REPRESENTATIVE IN
CONGRESS FROM THE 9TH CONGRESSIONAL DISTRICT OF THE
STATE OF TEXAS**

Mr. BROOKS. Mr. Chairman, I appreciate this opportunity to appear before you and my other distinguished colleagues on the Judiciary Committee.

An investigation last year by the Government Activities Subcommittee of the Government Operations Committee revealed that more than \$17 million had been spent on and in support of private properties owned and utilized by Mr. Nixon at San Clemente, Calif., Key Biscayne, Fla., and at the home of a friend in the Bahama Islands. These funds were spent for improvements, maintenance, administrative support, communications facilities, and personnel. Not all of the funds were spent for improvements on the privately owned Presidential properties, but none of the funds would have been spent but for the ownership and maintenance of such properties by the former President.

The subcommittee was not only alarmed at the magnitude of these expenditures—they tripled during the first 5 years of the Nixon administration over those of the previous 5 years—we were also alarmed at the type of expenditure we found to be occurring.

It was discovered that the American taxpayer had paid \$66,000 for a fence around the Key Biscayne compound designed as a replica of the fence around the White House. The Government paid \$2,000 for a shuffleboard at Key Biscayne.

We paid for heating systems in private homes in Key Biscayne and at San Clemente—the latter one costing \$13,000.

The American public paid for the property surveys used by Mr. Nixon's attorney during the settlement proceedings when he purchased the property in California. The American people then paid for a new

sewer line, over \$5,000 worth of lanterns, furniture for the den, and, at one time, were paying more than \$40,000 a year for landscape maintenance on the Nixon property at San Clemente. Government personnel permanently assigned to San Clemente and Key Biscayne were costing over \$1.6 million per year.

Mr. Chairman—you, as a member of that subcommittee, and I, as chairman, attempted to determine why such expenditures were made. We discovered that managerial responsibility for the expenditure of these millions of dollars was virtually nonexistent.

Mr. Nixon's personal attorney and architect were being permitted to order items costing thousands of dollars and send the bills to the GSA. People in the White House were directing the GSA to perform routine homeowner services and then generate after-the-fact requests from the Secret Service in an effort to cover up the true source of the expenditures.

Not all of the fault lies with the Government agencies. The very fact that a President of the United States chose to maintain three private homes in addition to the White House and Camp David subjected the American public to the unwarranted expenditure of millions of dollars.

The American people do not want to restrict a President's mobility, nor to imprison him in the White House. Neither do we want to deny the necessary expenditures to support the activities of his office and to protect his safety and well-being under all circumstances. The House Government Operations Committee concluded, however, after our investigation that the generosity and trust of the American people were being abused.

In its report adopted on May 20, 1974, by a vote of 36 to 0 with 2 abstentions, the committee made a number of recommendations to avoid a repetition of those problems. Some of these recommendations require legislation and the legislation before you today reflects those recommendations.

Several guidelines were followed in drafting the bill. One, the bill does not restrict the Secret Service in carrying out its legitimate activities. Two, the bill does require the Secret Service and other Government agencies to develop managerial and fiscal controls to reduce opportunities for the blatant misuse of public money.

Three, the bill unites obligational authority and accountability in one Government agency—the Secret Service. Four, the bill does not restrict Presidential mobility, but does provide some guidelines that should preclude a repetition of the embarrassing and illegal practices we found. These guidelines should be beneficial to the agencies and to the property owners as well.

I will not take the time to discuss each section of the bill, but will summarize briefly the major provisions. Under this legislation:

The Secret Service can provide permanent security for each person under its protection at only one non-Government-owned location at a time.

Expenditures for permanent installations at other privately owned properties would be limited to \$5,000 each.

Procurements would have to be made by Government personnel acting on written requests from the Secret Service.

There would be no limit on agencies providing temporary assistance to the Secret Service.

Permanent improvements would have to be removed if economically feasible and, if not, the private owner would have to reimburse the Government in an amount equal to the increase in the fair market value of his property.

And amendment to section 2(2) is necessary to bring the legislation directly in line with the recommendations made in the Government Operations Committee report. A suggested amendment is attached to my statement.

Mr. Chairman, the members of this committee are too familiar with the abuses that have occurred in the expenditure of public funds in connection with the privately owned properties of Mr. Nixon. We cannot again subject the American taxpayer to such abuses. Neither can we continue to make such expenditures at an unlimited number of locations.

In the last 12 months, we have made public expenditures at the homes of two Vice Presidents and we are now faced with a third. I do not know how many homes Mr. Rockefeller owns, and I am not suggesting any improprieties. I am pleased, however, that he will—if confirmed—be provided with an official Vice Presidential residence.

Now is the time to clarify to what extent Federal Government expenditures will be permitted on private properties of Presidents and Vice Presidents. This action will be in the best interest of President Ford, the Vice President, the Secret Service, and the American people.

[The suggested amendment to H.R. 11499 and a section-by-section summary of the bill follow:]

SECTION-BY-SECTION SUMMARY OF PROVISIONS OF H.R. 11499 (WITH SUGGESTED AMENDMENTS) CONCERNING THE EXPENDITURE OF FEDERAL FUNDS ON PRIVATE PROPERTY FOR PRESIDENTIAL SECURITY

Section 1.—Title of bill: Presidential Protection Assistance Act of 1973.

Section 2(1).—Permits other agencies to loan equipment, personnel, and facilities to the Secret Service for no more than two weeks at any one location in one year without reimbursement and without written requests.

Section 2(2).—Provides for expenditures at one principal property per protectee at a time without statutory limits, conditioned on the following:

Advance written requests by the Secret Service for non-temporary expenditures;

Funding by the Secret Service of all such expenditures; and

Reimbursement to the Government for all expenditures at such principal property in an amount equal to the increase in the fair market value upon termination of protection or upon sale or transfer of the property.

Section 2(3).—Limits expenditures at any other location to \$5,000 cumulatively.

Section 3.—Limits permanent Secret Service guard detail to one location at a time.

Section 4.—Requires all procurements to be made in accordance with the Federal Property Act.

Section 5.—Prohibits obligation of government funds by non-government personnel.

Section 6.—Requires that all improvements be removed if economically feasible.

Section 7.—Requires that all funds expended under this act, except for temporary loans, be requested by and appropriated to Secret Service.

Section 8.—Requires reports to the House and Senate Committees on Appropriations and Government Operations every six months.

Section 9.—Repeals the troublesome part of the law now in existence that left GSA open to unlimited expenditures. This provision will be superseded by the above legislation.

AMENDMENTS TO H.R. 11499 TO MAKE IT CONFORM TO RECOMMENDATIONS IN
GOVERNMENT OPERATIONS COMMITTEE REPORT ON PRESIDENTIAL PROPERTIES

1. On page 2, line 13, strike the word "secure" and insert in lieu thereof the words, "provide full-time security for each protectee at."
2. On page 2, line 14, after the word "property" add the words "at a time".
3. On page 2, at the beginning on line 19 before the word "if" add the words "upon termination of entitlement to Secret Service protection or."
4. On page 2, line 24, delete the word "are" and insert in lieu thereof, "if."
5. On page 2, line 25, after the word "Government" insert the following: "have increased the fair market value of the property as of the date of transfer or termination."

Mr. BROOKS. You do recall when I interrogated Mr. Ford when he appeared here as a Vice Presidential nominee, he assured us that he was not interested in elaborate expenditures at his private homes.

I will be pleased to answer any questions. I would say that you have a copy of the amendments to make the bill conform to the exact committee report.

There is one other amendment that I would like to point out just briefly and that is to make clear that the limitation in the bill on expenditures to one location would apply to all operations of the Secret Service. The amendment of that nature is provided for on page 3, line 13, where we would add, after the words "maintaining a permanent guard detail," "and for permanent installations, facilities, and equipment" which would be used to secure non-Government property.

I would offer that amendment along with the other amendments. I will be pleased to answer any questions, but before doing so I wish to submit for the record the statement of the ranking member of the Government Operations Committee. Would that be the chairman's pleasure?

Mr. DONOHUE. That is the statement by Mr. Horton?

Mr. BROOKS. Yes, sir. I would like to put it in. The ranking minority member of the Government Operations Committee, Frank Horton, distinguished member of Congress, was a very active participant in developing the report of the Government Operations Committee and strongly supported the recommendations contained in that report. He is unable to be here this morning, but has prepared a statement which he asked me to submit. His statement indicates a strong bipartisan support for this legislation. He says:

As Ranking Minority Member of the Government Operations Committee, I was involved in the Government Activities Subcommittee's investigation of the expenditure of Federal funds for Presidential properties. The report prepared by the Subcommittee had my support and was adopted by an overwhelming majority of the Members of the Government Operations Committee on both sides of the aisle.

H.R. 11499, with the amendments suggested by Mr. Brooks, which bring the provisions of the bill into line with the recommendations of our Government Operations Committee report on this matter, would more explicitly set forth the conditions under which the Secret Service can expend public funds on private property and the terms under which it can seek the assistance of the other Federal agencies.

I support this legislation as amended because it will protect the public against unnecessary expenditures on private property and, at the same time, permit the Secret Service to fulfill its obligation relating to the protection of the President and various other persons.

It is my understanding that he did check with a good segment of the administration, the current Republican administration in the White House, and that his feeling was that they would not be adverse to this legislation.

Mr. DONOHUE. Without objections, the statement of Congressman Frank Horton will be made a part of the record.

[The statement of Hon. Frank Horton follows:]

STATEMENT OF HON. FRANK HORTON—AUGUST 21, 1974

MR. CHAIRMAN: As Ranking Minority Member of the Government Operations Committee, I was involved in the Government Activities Subcommittee's investigation of the expenditure of Federal funds for Presidential properties. The report prepared by the subcommittee had my support and was adopted by an overwhelming majority of the Members of the Government Operations Committee on both sides of the aisle.

H.R. 11499, with the amendments suggested by Mr. Brooks, which bring the provisions of the bill into line with the recommendations of our Government Operations Committee report on this matter, would more explicitly set forth the conditions under which the Secret Service can expend public funds on private property and the terms under which it can seek the assistance of other Federal agencies. I support this legislation as amended because it will protect the public against unnecessary expenditures on private property and, at the same time, permit the Secret Service to fulfill its obligations relating to the protection of the President and various other persons.

Mr. DONOHUE. Are there any questions? Mr. Butler?

Mr. BUTLER. Yes, Mr. Chairman. I would ask a few questions of the gentleman, if I may.

Thank you, Mr. Brooks, for the interest you have taken in this matter. I have had an opportunity to review, somewhat superficially, I suspect, the recommendations of the Comptroller General and the report of your committee. There are several questions which I guess are of a technical nature, but I would like to take a few minutes with you, if I might, to check into some things that concern me.

I notice in the letter to the chairman of the committee from the Acting Comptroller General, dated May 16, 1974, there are several comments. Do you have a copy of that letter?

Mr. BROOKS. Is that in the material?

Mr. BUTLER. That is in the material supplied the members this morning.

Mr. BROOKS. Yes. Yes; I see it here.

Mr. BUTLER. About two-thirds of the way down on the first page, with respect to specific provisions of the bill, we offer the following comments. Now, one question is raised about what exactly 1 year means. Is that cleared up in your amendments today?

Mr. BROOKS. No, I have not seen this letter before.

Mr. BUTLER. Excuse me, then.

Mr. BROOKS. I just looked at this letter.

Mr. BUTLER. All right, well excuse me. I think it would be more appropriate to ask you to take that with you, and then when we have another opportunity—

Mr. BROOKS. I certainly will, Mr. Butler, and I appreciate your consideration.

Mr. BUTLER. Then we could probably get into it more clearly.

The GAO audit contained a recommendation that the Secret Service make an annual report to the Congress detailing expenditures in

connection with private residences. Section 8 of the bill would require a semi-annual report, and as I read it, to the Appropriations and the Government Operations Committees.

Now, section 8 does not include the GAO recommendation that they be authorized to audit the figures supplied by the Secret Service. Is my interpretation correct, or do you have any strong feeling about this one way or the other?

Mr. BROOKS. I am not positive whether the GAO has had any problem auditing the Secret Service. Mr. Keller, do you now audit Secret Service records in the Treasury Department?

Mr. KELLER. Mr. Brooks, we have not had any problem up to the present time. We thought, as a precautionary measure, it should be placed in because at some future date, some security claim might be raised and it might cut us short.

Mr. BROOKS. That was my understanding and that was the reason we did not include it in the draft legislation. But they are sort of a cautious agency, Mr. Butler, and they would like to be positive that Lilburn Boggs or some other official of the Secret Service does not change his mind and cut the GAO off. So they would like to put it in and I do not object to it.

Mr. BUTLER. Could you identify for the record the gentleman that also answered just now?

Mr. BROOKS. That's Mr. Bob Keller, Deputy Comptroller General of the General Accounting Office. I have not seen him in a long time. Off the record.

[Discussion held off the record.]

Mr. BUTLER. Returning then to the record, Mr. Brooks, we have another concern of mine generally.

Do you feel that we have pinned down in this legislation the problem of the one protectee, basically a man and his wife and his children protectees, and I am not really concerned about it, but have we pinned this down to the sense that the wife could not have a separate permanent residence with these improvements, and perhaps the children, and was some thought given to this?

Mr. BROOKS. It was thought that the bill itself was clear enough. It does not exclude the participation of a man and his wife and his children. All of them would be eligible for protection. If he had six children and they each had a house, you might conceivably feel that we should not make expenditures on all six houses. I understand your point, as the excellent lawyer that you are. It may not be necessary to spell out limitations in the legislation, if such are determined desirable. The report could reflect an intent to apply some limitation to the family generally so that if the family is living together as a unit, they would not be entitled to improvements on as many homes as there are members of the family. I think you have a wise point, and should be considered by the committee.

Mr. BUTLER. Fine.

Mr. BROOKS. To eliminate any possibility of doubt and confusion. I think it is an excellent suggestion.

Mr. BUTLER. All right now, let me turn to another problem.

We are disposing of our protected property for one reason or another. We either choose to sell it, or we choose to get another resi-

dence, well, I think that is enough, or maybe I die, any one of those three reasons. Some obligations are imposed, it changes the relationship, and I want to be clear on what we are trying to do here.

For example, let us assume that the situation arises that a protected residence—protected permanently—moves out of this category for one reason or another and there are permanent improvements there put by the Secret Service. Now, as I understand your amendment that you offered this morning, its purpose, the amendment is amendment 5 to make clear that the fair market value, the extent to which the improvements have improved the fair market value of the property then becomes the burden of the property owner, either to pay for them or to effect their removal.

Now, is that your intention?

Mr. Brooks. That is correct. The bill as drafted, Mr. Butler, provided for the compensation to the government for expenditures to the property if not recovered by the Government. That seemed a little bit harsh on second thought. So, it was decided that the compensation to the Government should be for the fair market value of the enhancement in value to that property at date of transfer or termination. I think that that is reasonable in that if you had been, as you might well have been, named as Vice President, and you had a house down in Virginia that they worked on, and you retired because your wife did not want you running off and traveling all over the country trying to beat me, and things like that, and so you quit.

Mr. BUTLER. Other useless ventures.

Mr. Brooks. And so you quit. But the improvements that have been made on the house would have been made with your acquiescence since it is your property. If they said that they wanted to put a three-car garage and you were the Vice President and said you did not want a three-car garage, they would not put one in. If they did put it in, and they did not remove the garage when they left, only taking all of the communications equipment and things of that nature, an enhancement in value of \$1,500 or whatever, would be the appropriate value for you to compensate the Government. It would be a benefit that you received, acquiesced in, and enjoyed and maintained and retained.

Mr. BUTLER. All right, now, so the acquiescence is what burdens you with this obligation and if the legislation does not spell it out, then it will have to be spelled out in the report.

Now, the second question that comes up is, when we start deciding the enhancement, fair market value, that is, I assume at the time of severance? That is the difference between the fair market value with the improvements at the time that you make this decision, versus the fair market value without it, because I can visualize the situation in which most of these improvements would not add to the fair market value of a residence. And I think it would be a little bit unfair to burden the property owner with that.

Mr. Brooks. Well, if you burden him only with the fair market value of the improvements, I do not think that would be unreasonable. Now we are not charging protectees anything except the enhancement in fair market value, and this, as you point out, would probably not be a substantial amount. You know, generally, improvements to a piece of property, such as a house, do not normally add too much to

the value. They may to the enjoyment, to the appreciation, but as they say, the money you put into your house improving the floor, and working on the house, and improving it, working in the yard, does not add too much to the value. You never get that money out. You get it out in satisfaction and enjoyment, but it is hard to add it to the price tag when you sell it.

Mr. BUTLER. It depends on whether you are buying or selling. But that is I think a fair approach to it.

Now, one other feature of this point, and then I will give up for a while. How do we spell out expenditures? Are they defined somewhere else in the legislation? I am referring to line 22 on page 2, "such person shall compensate the Government for all expenditures made under this section with regard to the previously designated property."

Now, I assume by that expenditure, we mean expenditures for capital improvements. But is that defined somewhere else in the legislation, or have we got to clear that up?

Mr. BROOKS. No, I do not think that it is. It means all of the expenditures that are made. The Government would remove everything that could be removed, communications equipment, sensors, et cetera. They would probably not take out bulletproof glass if they had any in, because it is probably not worth taking it out.

They might charge a modest amount for enhancement in the stability provided by bulletproof glass. It would not be a lot of difference, probably.

They would take everything out that they can, and then the balance of the expenditures on permanent improvements that enhance the value of that property is what you would be talking about as to fair market value.

Mr. BUTLER. All right, but still with this problem: Suppose there are improvements which the property owner acquiesces in because they are necessary for protection, but not necessarily aesthetic, or they do not want them, but they recognize that for security purposes they have got to be put in there.

Then we reach this point where we turn it back, and we want to take them out. Is there not an option left in the landowner to say simply to the Government of the United States, I do not want these here, they may have improved the fair market value of my property, but I simply do not want them, take them out, I will not pay for them? Is that option available?

Mr. BROOKS. No, that option is not spelled out. I do not think we would have any difficulty about it. I cannot imagine really having that problem in determining the fair market value.

You might take into consideration any diminution in value that a remaining improvement left with the property.

Mr. BUTLER. No. I am thinking of purely the situation in which your wife just does not like brick walls and you have got a brick wall and you want to get rid of it. You would rather have a hedge now that you do not have a security problem, and those situations come up.

Mr. BROOKS. I do not know whether we would want to be obligated to knock it down. I think when they put it up, the protectees would have acquiesced to it. Even the GSA has not made those places less attractive. I have looked at them all. You know, even their finest architectural geniuses over there have not botched up those places. They

did not make them look worse. So I would hope that it would not be a problem and that it would not be necessary that we would ever cross that problem.

Mr. BUTLER. Basically, I guess it all comes back to a matter that has disturbed me generally, and that is maybe we are overreacting in trying to spell out in legislation what a man ought to inherently to know on how to handle himself under these situations in the first place, and the situation might not have arisen.

And as I go into this legislation, I have reservations about whether we are overreacting or not and it is a matter to which I, of course, will reserve judgment as we go along.

Mr. Chairman, I feel like I have used up my 5 minutes and I yield back for the present.

Mr. DONOHUE. You want to yield back 1 minute?

Mr. BUTLER. And reserve that 1 minute until later on.

Mr. DONOHUE. Mr. Mann.

Mr. MANN. Pursuing the line of questioning of Mr. Butler's last point, it does disturb me somewhat to consider the impossibility that some monstrosity, and that is in the eyes of the beholder, has been constructed on private Presidential property for security reasons that are far from personal reasons as far as the occupant is concerned, and the time comes forth for that to be removed, and the Government decides it is economically unfeasible to remove it, and he is stuck with it.

I question that he should be stuck with it. I think it should be his option to require the removal of an item that detracts from the property in his eyes.

Neither can I conceive of that being a big economic problem. As Mr. Butler suggests, we may have the appearance of overreacting if we are going to insist on installing these security things, and then not be willing to remove them. I have already gotten your reaction to it, but I just wanted to give you my reaction to that problem.

Mr. BROOKS. My feeling, Mr. Mann, is that it may be an overreaction to try to define too closely what is going to be done. I do not know whether this problem will every arise. If it should arise, you might well resolve it by stating in the report that if the Secret Service requires a structure to be installed which the protectee does not agree to, he could agree to it with the reservation that it be removed when protection ceases at that property.

Let it be in the acquiescence with the reservation, which might resolve that in your mind and in their minds. I do not see it as a major problem and I would not object to that. I do not think it would be extremely costly, as you point out. I do not think it would be an economic problem to say that the government should remove it.

Mr. MANN. Yes. I would hope that language can be developed that would permit that. At the moment, though, I would suggest that section 6 would probably require the usual objective bureaucratic decision and if it is economically unfeasible, that is it. They have no discretion with reference to removing it, nor do they have any discretion to make any prior agreement to violate section 6.

So, we can perhaps consider the development of some language that would give an option to the owner, not an unreasonable option, but certainly some option.

Mr. BROOKS. Well, the basic thrust of the legislation is not to work any hardship whatsoever.

Mr. MANN. I am sure that is true.

Mr. BROOKS. The basic thrust is not to make any money out of them. The basic thrust is not to enhance their property either. The basic thrust of this legislation is for one Government agency, the Secret Service, to build whatever they think is necessary for protective purposes for our President and Vice President, and to put it in and pay for it and protect them.

Mr. MANN. Fine.

Mr. BROOKS. So we do not have half a dozen agencies doing it with 40 different people having input and no real basic responsibility or accountability. I do not object whatsoever, if they want to say we will pay for it all, and take it out, and go in there and rip it out. We can work up language to give them that option. I do not think it is a serious problem at all. I will be delighted to submit some language that might resolve that.

Mr. MANN. I would appreciate it. And I do wish to add my voice to that of others who recognize that your committee has done an exhaustive and a superb job in arriving at the purpose which you have just enunciated, and yet develop something that would also constitute a judicious use of the taxpayers funds and we appreciate it.

Mr. BROOKS. I want to thank you. I hope that this will eliminate this problem for all of our future Presidents, and we will never have another hearing as we did in Government Operations or in Judiciary.

Mr. MANN. Thank you, Mr. Chairman.

Mr. DONOHUE. Mr. Froehlich?

Mr. FROEHLICH. No questions, Mr. Chairman.

Mr. DONOHUE. Mr. Danielson?

Mr. DANIELSON. Thank you, Mr. Chairman.

Mr. Brooks, in the bill itself I do not find reference to fair market value, but I do find it in your prepared statement.

Mr. BROOKS. It is in my amendment, Mr. Danielson, on page 2, that has been added. It was not in the original bill. Page 2.

Mr. DANIELSON. Oh, yes.

Mr. BROOKS. Line 24.

Mr. DANIELSON. Your proposed amendment No. 5?

Mr. BROOKS. Yes, sir. Yes, it would just soften the impact of compensation.

Mr. DANIELSON. I see. I want to explore a little further this concept of fair market value. I have in mind that as we have mentioned here, some items really do not enhance the fair market value in any respect whatever. And I do not, even though under the terms of the bill the Government retains ownership in the improvements until the termination of the security obligation, does the gentleman contemplate that these properties or these improvements would simply, at that time, become a part of the ownership, part of the fee, and no compensation would be provided?

Mr. BROOKS. That is right. If the decision is made to have a fence built and it is not worth moving the fence, the government has moved the lights off of it, or the communications equipment, and they have moved everything that could be removed of economic value to the

government, they may leave the fence there under the bill as now drafted.

Mr. DANIELSON. If it truly enhances the value then it is contemplated—

Mr. BROOKS. If it truly enhances the value of the property to that extent, the protectee should pay for it, if he has the benefit, has received the benefit. But, if there is no substantial benefit to him, and still none to the Government, and it is just left there, and if we do not have any use for it and it does not add too much, just leave it there and let him enjoy it, whatever it is.

Mr. DANIELSON. And the fair market value could be determined as of the time of termination of the security relationship, rather than at the time of the installation?

Mr. BROOKS. That is right. That would be the only fair way to do it. You cannot charge him—

Mr. DANIELSON. No, I agree. I just want to be sure that this is in the record of the proceedings.

Another point here, although it is necessarily implicit in the bill, I do not find an expressed provision, at least it is not clearly expressed, that the Secret Service is authorized to make expenditures only for items which clearly relate to their providing a security. I am sure that this is what the gentleman has in mind here, and it tends to be implicit in section 2.2, line 13, where you say "services as are required by the U.S. Secret Service to secure no more than one property."

I think you have an amendment to provide full-time security. That is where it is implied, and this is intended, is it not, that this would eliminate nonsecurity expenditures?

Mr. BROOKS. That is correct. The basic thing that we found in our previous investigation was that other government agencies were putting in installations that were really not security related, and the Federal Government has no business paying for them.

Now, if the Secret Service responsibility is for protection, and anything they recommend is for protection, then they must justify it under this, and they can come to Congress and get all the money they need to justify a gold-plated swimming pool if they can prove that it is security. But, the Secret Service is not going to do that. They are going to be more judicious about it, and they are only going to justify items that are truly security. And if they do that, that is enough. We are not going behind that. We are not trying to nit-pick at how they want to protect a President or second-guess them. They have some ideas that we do not know about, and we are not trying to limit any effort of theirs to protect a President or Vice President.

Mr. DANIELSON. Are you not saying actually, it is implicit in what you say, that any of these expenditures the Secret Service must certify that they are, if not necessary, at least desirable to meet their responsibility of providing security?

Mr. BROOKS. That is correct, and they would so justify before the Appropriations Committee when they ask for the money to make these expenditures.

Mr. DANIELSON. In other words, these expenditures would be made subsequent, after determination by the Director of the Secret Service that the expenditures are essential for meeting their obligations?

Mr. BROOKS. That is right. Expenditures would not be made and then an order obtained from the Secret Service that the work needed to be done. The order for the lights, or the request for the equipment, would first be obtained and then the work would be done. On a temporary basis, they would have the authority, though, to do anything.

Mr. DANIELSON. In connection with that, though, there will be a representation, a certification, by the Secret Service that these expenditures are necessary, or I could loosen it a little bit and say desirable for their purposes?

Mr. BROOKS. I think the Secret Service has agreed to this type of procedure and has implemented such a procedure generally since our original hearings. We recommended it to them, and they have adjusted their procedures already.

Mr. DANIELSON. Well, I would think they would be glad to have it, since it is easy to follow guidelines if you have got some guidelines. And it takes them off the hook.

I want to make a comment into the record. On your point that on termination of security obligations, the Government must be compensated in the amount of the increase in fair market value, if any, I do not believe that we would have a right, constitutionally, not to demand that compensation. We are at a sticky-wicket here. The gentleman is aware of the emoluments clause, and under the emoluments clause, which I have studied rather thoroughly in the last few weeks, it is my opinion that it is unconstitutional for the Government to provide any emolument other than those provided for by law at the beginning of a term, or for the recipient to retain one, and that we cannot, even by statute, change that, since it is constitutional. So, I want the record to reflect my comments, since that might come up in debate.

It is not just a matter of being a good guy or a bad guy. I think we have no constitutional right to confer a benefit to a President. I think we could to a Vice President, but you cannot do it to a President during his term of office.

Mr. BROOKS. I quite agree, and I spent some time on that same section of the Constitution in an effort to bring it to the attention of the Judiciary Committee members during the impeachment hearings. I think under the emoluments clause that the President would be fully protected if he paid a fair market value, which would be adjusted at that time. And we are not trying to—

Mr. DANIELSON. The President would be protected and everybody would be protected.

Mr. BROOKS. That is right, and he would not then be in violation of the Constitution.

Mr. DANIELSON. And again just stating so it will be in the record, we have a related provision in article I of the Constitution relating to Members of Congress and other Government employees who may not receive emoluments from foreign governments. I think that is the only place in the Constitution, the only other place, where the term emolument is used. We cannot receive an emolument from a foreign state other than a decoration and as a matter of just prudence, the Congress passed a law some years ago permitting the retention of a gift having a value not to exceed \$50. Anything beyond \$50 is deemed to be received for the benefit of the United States and, of course, a trust relationship sets up.

I want this to be reflected in the record, for I believe that as a guideline it would show that even the President cannot accept any emolument and certainly not one having a value in excess of \$50.

I have no further questions.

Mr. DONOHUE. Mr. Lott.

Mr. LOTT. Thank you, Mr. Chairman.

I do have a few questions. I do want to commend the gentleman on the work he has done on this legislation. As he knows, most often in Washington it takes a tragedy or a disaster before legislation is developed to remedy a situation that has been maybe coming for a long time.

We have seen that quite often here in Washington. And here again, I think on this legislation perhaps Congress should have worked on it several years ago, and I think it is a good idea, not just because of what happened in recent months or years, but for what could save the American people in the years to come and, therefore, I basically think the principle here is good.

There are some things that bother me about it, and I would like to address a few questions to you, Mr. Brooks. I am concerned about what happens, for instance, if you have a sale of the protected property. Would the President be expected to reimburse the Government for the expenditures that have been made on that property prior to the sale, or how would that be handled?

Mr. BROOKS. As I understand it, you mean if they made you Vice President, or Mr. Butler is still Vice President.

Mr. LOTT. Okay.

Mr. BROOKS.—And he leaves and he sells it, or if he sells it while he is still Vice President?

Mr. LOTT. While he is still Vice President, his private property.

Mr. BROOKS. While he is still a protectee?

Mr. LOTT. Yes, sir.

Mr. BROOKS. Then I think the application of the amendment on page 2 would apply, where he would pay the increase in the fair market value of the improvements remaining in it to the Government. He would compensate the Government for that increase in the fair market value.

The taxpayers paid it, he got the value in it, he sold it for that. The Government obviously should get its part of the investment out of it, and he is not entitled to get it under the Constitution as an unfair emolument in violation of the limitation on his income. And so, I think he should pay it.

Mr. LOTT. Let us say that Mr. Butler—

Mr. BROOKS. Whatever that enhancement was, whatever that would be.

Mr. LOTT. Mr. Vice President Butler has left office.

Mr. BROOKS. His Excellency.

Mr. LOTT. Right. He has left office. What commitments or obligations would he have for repayments for improvements to his property once he left that office, voluntary or otherwise?

Mr. BROOKS. He would have the obligation of paying only the fair market value of the residual enhancement in that property which has been paid for by the taxpayers—and which would be of benefit to that property and enhancement in value.

A fair market value as of that time. I would not think it would be a tremendous amount in the future.

Mr. LOTT. Even though that it is something that he might have personally preferred not to be placed on his property. And you say here, I believe you speak to the point, that if it is removable, it should be removed?

Mr. BROOKS. That is correct.

Mr. LOTT. For instance, there might be a protective wall of some sort which may be an enhancement. Is that a key word?

Mr. BROOKS. Yes, that probably is a key word, counselor. I think enhancement is probably the word. Improvement in the property, and increase in the value.

Mr. LOTT. These determinations would be made by GSA?

Mr. BROOKS. We do not specify who would determine what the fair market value is, and it might be that the General Accounting Office, somebody like that would do it.

Mr. LOTT. Now, in section 2(1), you limit the unreimbursable contributions of other agencies to 2 weeks at any one location. Would that be per person eligible for protection, or would it be cumulative?

Mr. BROOKS. It would be per individual entitled to protection really, as Mr. Butler pointed out. Of course, we would not intend that if a man and his wife and six children are living together as a family unit that it would entitle them to have six homes improved. It would only be one family. And as I agreed with his suggestion then, it would be wise to make that clear in the report. I think it is a good observation and a pertinent comment, and it should be put in the record to limit it to one family. If the children are living in the family unit, they would not be able to claim improvement on separate residences.

Mr. LOTT. Right.

Mr. BROOKS. They are not primary protectees.

Mr. LOTT. Two more brief questions.

I am a little bit bothered by putting a dollar figure of limitation of expenditures. For instance, you say in your statement that expenditures would be limited to \$5,000 each.

Well, certainly that sounds like it is enough, and certainly you would hope that it would be considerably less than that. But I am just a little bit bothered by saying \$5,000 or \$1,000.

Mr. BROOKS. Well, this is for a second residence, and this is for permanent installations. This not for temporary installation. This would not be a van they would move in with communications equipment if you went up into the mountains in Virginia where Mr. Butler may go to vacation, and bring his family up there for a couple of quiet days to work and read and write and work on reports.

So, it is an arbitrary figure.

Mr. LOTT. Did the committee just pick this figure?

Mr. BROOKS. No, it is an arbitrary figure with the thought that we are discouraging any permanent improvements at more than one residence. We ought to limit that one pretty severely, and a temporary installation would probably cover the camphouse. Five thousand dollars to put something in. I do not know what you would spend it for, but you would have something to put in as a permanent installation. And if you wanted to raise that to \$10,000, you could. It is just an arbitrary

figure, but you need to put some in to indicate, in my judgment, a limiting factor on this second installation.

Mr. LOTT. I would not be inclined necessarily to raise it. I am just concerned about the idea of setting a figure, a minimum or a maximum figure. That is something that I want to think about some more, but I wanted to point out to you that it bothers me a little bit.

And one final question, the problem of improvements on properties of other persons visited by the President. You know, not where he is living, but just where he goes in for a visit, and it might be for a month. Does this bill preclude improvements in that situation?

Mr. BROOKS. This bill does not preclude any limitation on his primary residence. It does not preclude any temporary installations of the Secret Service.

When Vice President Johnson came to my farm in Texas, I will tell you what the arrangements were. The Secret Service came early and they scrounged around and looked around and they determined that the barn would be the best place for them. They did not have any sensor equipment in 1963, and it was not a very fancy operation. They wanted to be sure that they had plenty of coffee. That was the major concern.

They looked around. The neighbors had been living there,—they were all born there,—they had been living there a good many years, and I had been there a good many years, so they felt pretty much at home, and the Secret Service did not build anything. They made a temporary installation and I believe, to tell you the truth, that I am the one that had to pay for it, of an extra telephone line there, so that we could put a telephone in the front bedroom where Mr. Johnson and Mrs. Johnson were spending the night. And that is the only installation we put in and I put in some outside plugs so that we could hook up the microphone when I had him talk.

I had a few people drop by to visit—about 1,500—and that was the only installation. But that type of temporary installation could be made there by the Secret Service, and they could have paid for it. They did not. But they were nice, and they did not hurt the barn any. It was built in 1865, and there was not much that they could do to that barn.

Mr. LOTT. After you put them in the barn, you felt like the temporary arrangements were satisfactory?

Mr. BROOKS. That is right, and they did not object to it. But they could do this, and if they had put in some temporary operations, whatever they would be, certainly they could do that, if President Ford decides to come down and visit in Mississippi.

Mr. LOTT. Thank you, Mr. Chairman.

Mr. DONOHUE. Mr. Thornton.

Mr. THORNTON. Thank you, Mr. Chairman.

I would like to ask if the intent of the legislation is to make sure that the Secret Service does have the capability to provide needed security at whatever place the President and Vice President or other protected persons may be at any time?

Mr. BROOKS. They have that authority. If I understand the question, Mr. Thornton, the Secret Service has the full authority and responsibility to protect the President and the Vice President and his family

anywhere they go at any time, and this would give them the full authority to continue to do that. It would give them all of the authority for making permanent improvements and have it funded through their agency rather than through the GSA, or through the Department of Defense, or the Department of Transportation, or whoever they have picking up the tab.

Basically, their authority would remain the same. This would really just give them a little more authority than they have now. It would give them the added authority to make expenditures and to fund expenditures for improvements of the property that they believe are justified for protective purposes.

Mr. THORNTON. As a matter of drafting, the possibility of designating a particular place for each person who is eligible for protection, would that include a designation by the President, another place by perhaps the President's wife or other members of his family, or does that relate to a family unit?

Mr. BROOKS. It would contemplate the family unit, as we discussed with the other members who are aware of this same problem. I think that in the report we could make very clear that this means one family. This does not mean—well, you know, what if they had picked some Democrat like Bob Casey with 12 children, we would not want to improve each one of these 12 permanent residences and we are not contemplating that.

But, I do not think we would want to put it in the bill, but we could put it in the report to clarify that. And it would probably be adequate, and that would be my suggestion and my hope.

Mr. THORNTON. If I may offer a comment, which I believe that you would agree with, certainly I would like to voice a concern that nothing in this bill be construed in any way as to limit the capacity or capability of the Secret Service to provide all needed protection to the people who are to be protected by the act, but rather that this is to eliminate the possibility of improvements being made which have a real and tangible value apart from the protective function which are then left to the person when the protection is no longer available. Is that correct?

Mr. BROOKS. That is absolutely correct. The Secret Service authority is not jeopardized by this in any manner, shape or form. It is only improved. They just have the authority to build what they think is necessary to adequately protect our Presidents and Vice Presidents.

Mr. THORNTON. For legislative history, is there any limitation on the use of governmental property or resources, providing transportation, allowing the President travel by naval ship, if he desires to do so?

Mr. BROOKS. There is no limitation in this on travel procedures, or on the utilization of Government property. That is excluded. If the President, as some Presidents have, wants to go to a military installation, and take the commandant's house, or the commanding officer's quarters, and they wanted to make some adjustments in it, that would be done apart and separate from this legislation, because they would be on Government property.

If they want to improve Camp David and put another swimming pool up there, and have three instead of just two, that could be done. We would not interfere with the expenditures by the Secret Service

or the other Government agencies, the Department of Transportation, Defense, any of them, on Government property. This is only on non-Government property that this applies.

Mr. THORNTON. I have no further questions. I yield back the balance of my time.

Mr. DONOHUE. Mr. Butler.

Mr. BUTLER. Mr. Chairman, several things have occurred to me as we have gone along here. I am concerned I think, Mr. Brooks, about the specific situation. As I view section 2, it is a limitation on what other agencies, that is section 2, subparagraph 1, what other agencies can do in terms of providing temporary assistance to the Secret Service without reimbursement. Am I correct in that?

Mr. BROOKS. Basically; yes.

Mr. BUTLER. All right now, the President of the United States has a condominium at Vale, Colo.

Mr. BROOKS. Correct.

Mr. BUTLER. Now, my guess would be that his son would take it for 2 weeks, or so, and maybe the President himself another 2 weeks, and other children other 2 weeks, all of whom are entitled to protection. Is this legislation so written that the Secret Service could not get assistance in providing this protection from any other agencies except for 2 weeks out of the season or the year?

Mr. BROOKS. No; I would not think so. He owns it permanently, and he may go there more often than 2 weeks.

Mr. BUTLER. Yes; but if he does not choose to designate this as his permanent residence.

Mr. BROOKS. If he designated this, he could—

Mr. BUTLER. Let us assume that he does not.

Mr. BROOKS. He does not?

Mr. BUTLER. Let us assume he does not. Are we not limiting what would be almost routine without this legislation the kind of protection that would be provided, or maybe I do not understand the problem.

Mr. BROOKS. I do not think so. I think without any question they would go out there and take a look at that facility, and he is not going to designate it as his permanent residence—

Mr. BUTLER. I would think not, would be my guess.

Mr. BROOKS. It is going to be a vacation residence; so we are not going to maintain that one and do a lot of work. But, they will do other things on a temporary basis, anything they need for any protectee, which means that they might rent an adjacent apartment or one above it or below it from which they can observe it, or they might put in some sensor equipment or whatever on a temporary basis. They are not limited at all. The only limitation is on permanent operations. So, I do not think that they would have any problems.

Mr. BUTLER. Well, what is this reference in the bill to a temporary basis for a period not to exceed 2 weeks, what does that mean? I thought that meant if they were going to be there longer than 2 weeks, or when the 2 weeks ran out, the GSA would have to go home, and the Secret Service would be on its own. Is that a fair statement?

Mr. BROOKS. I think per trip that would be adequate. You may want to consider providing for more than 2 weeks per year.

Mr. BUTLER. You see, but it is my understanding——

Mr. BROOKS. If the President went out there and spent a month——

Mr. BUTLER. Right.

Mr. BROOKS. Which he would not do.

Mr. BUTLER. But he might during the course of a summer accumulate more than 14 days.

Mr. BROOKS. Yes; the time period should be permitted to run again. Perhaps, we should extend the limit beyond 2 weeks.

Mr. BUTLER. That is the one thing that I wanted to understand on the 2 weeks. Thank you.

Now, one other question that concerns me. In the process of making security improvements to a residence, they also probably would have to remove portions of a building, or remove other facilities. For example, you might have to tear up the swimming pool to put in a barn to house the Secret Service or whatever you do for them in other places.

Is there any provision, or is there any policy at the moment, to reimburse for the damage they do to the present home when they make the improvements in the first instance, or is there any provision in the legislation for crediting against the fair market value when you get ready to sell?

Mr. BROOKS. There is not. To my certain knowledge, some of the improvements made at the Johnson ranch were not really what he or Lady Bird wanted. But they let it go, and they did not get any compensation for it at all.

On Mr. Nixon's property at Key Biscayne, when they destroyed one shuffleboard, they built a better one. When they replaced water lines and tore up the old water lines, which served a part of the house at San Clemente, they laid brand new ones that were 100 percent better. I do not think anybody has felt or has ever been able to establish a net loss from the improvements.

I would think that if they had to move a swimming pool, they would build a better one, I will guarantee you, Mr. Butler. The Secret Service is not mean. They are pretty kindly people when they look after folks, and they not only want to protect them, but they want them to live well and comfortably. They are kindly and thoughtful folks, despite the fact that they carry pistols.

Mr. BUTLER. I am just concerned that we might inhibit those natural Christian virtues of the Secret Service by this legislation.

Mr. BROOKS. I think it would be difficult to inhibit their kindly attitude about spending money.

Mr. BUTLER. I yield back.

Mr. DONOHUE. Are there any further questions?

Mr. DANIELSON. I have one.

Mr. DONOHUE. Mr. Danielson.

Mr. DANIELSON. Thank you, Mr. Chairman.

On page 2, line 14, and page 3, line 7, of the bill, you refer to any other property not in Government ownership or control. What would be included within the definition "or control"?

Mr. BROOKS. Government ownership or control would be a Government lease on a property, if the Government had leased a big property, or if the Government controlled anything. Anything that they control.

Mr. DANIELSON. Does any other example come to your mind—I am not saying there are not any, but I am trying to envision one.

Mr. BROOKS. No, I do not have an example of that at this time; no, I do not.

Mr. DANIELSON. For example, if the Government leased Camp David—a long-term lease up there?

Mr. BROOKS. That is right.

Mr. DANIELSON. I see, I am not aware of any other case.

Mr. BROOKS. I am not, offhand, but we may have some, and the President is entitled and the Vice President to go up and use them, any of them, and we would be delighted to have him do it.

Mr. DANIELSON. But the situation where President Johnson visited Rancho Brooks years ago; he was there and it wasn't property under Government control, I gather?

Mr. BROOKS. It surely was not. It was mine and still is.

Mr. DANIELSON. And you do not contemplate—

Mr. BROOKS. And he gave me a little cushion that said, "This is my ranch and I do as I damn please." He gave it to me, and I still have it, bless his heart.

Mr. DANIELSON. But I want to be sure then we are not including property that is temporarily under Government control, but only such a thing as might have the dignity of a leasehold, something of that nature?

Mr. BROOKS. That is right.

Mr. DANIELSON. I have no other questions.

Mr. DONOHUE. If there are no further questions of Mr. Brooks, we will excuse him.

Mr. BROOKS. Thank you, Mr. Chairman.

Mr. DONOHUE. And we want to express our appreciation for the benefit of your views and knowledge about this bill.

[The prepared statement by Hon. Harold D. Donohue follows:]

STATEMENT OF HON. HAROLD D. DONOHUE

I am one of the sponsors of the bill H.R. 11499 and served as a member of the Government Activities Subcommittee of the Government Operations Committee which conducted an extensive investigation. The bill H.R. 11499 was introduced as the result of the information gained through the investigation conducted by that subcommittee. I fully support the bill with the amendments suggested by the Honorable Jack Brooks.

I feel that the report of the Government Activities Subcommittee submitted to the House and printed as H. Rept. No. 93-1052 of the current Congress demonstrates the need for explicit limitations and requirements which will govern the implementation of the Secret Service in its protection functions as provided in this bill.

Basically, the bill H.R. 11499 provides that Federal Departments and agencies are to assist the Secret Service in their protective functions under the above provisions by providing personnel, equipment or facilities subject to reimbursement by the Secret Service. Upon written request by the Director of the Secret Service and subject to reimbursement, such Departments and Agencies are to provide facilities, equipment and services of a permanent nature at a single property not in Government ownership as designated by an individual entitled to such protection. Protective facilities at an additionally designated property would be permitted but limited to \$5,000 unless approved by the Committees on Appropriations.

Additional provisions of the bill require adherence to the Federal Property and Administrative Services Act and require that payments for services, equipment or facilities would only be authorized for procurements by federal employees authorized by the Director of the Secret Service.

The bill specifies that all improvements are to remain Government property and the owner would be required to pay for any improvements upon termination of protection since they increased the value of the property. In the interest of fairness, the subcommittee may wish to consider an additional amendment giving the owner the option of having any such improvements removed and the property restored.

The bill provides for effective oversight by providing for periodic reports to the Congress and I would suggest that consideration be given to the inclusion of an additional provision for audits and rights of access by the General Accounting Office with the requirement that reports of any such audits be made to the Committee on Government Operations.

Mr. DONOHUE. We will now hear from the gentleman representing the General Services Administration.

TESTIMONY OF JOHN F. GALUARDI, DEPUTY COMMISSIONER, PUBLIC BUILDINGS, GENERAL SERVICES ADMINISTRATION; ACCOMPANIED BY BOB RICE, ASSISTANT GENERAL COUNSEL AND MARC HIMMELSTEIN, CONGRESSIONAL LIAISON OFFICE

Mr. GALUARDI. Mr. Chairman, I am John Galuardi, the Deputy Commissioner for Public Buildings Service of the General Services Administration.

With me today I have Robert Rice, our Counsel, and Marc Himmelstein from our Congressional Liaison Office.

We have furnished for the committee a letter expressing our views on this legislation—the views of the GSA at this particular point, and the administration.

Mr. DONOHUE. Is that the letter dated August 21?

Mr. GALUARDI. Yes, sir. And it is not the view of the administration as of yet, but the views of the GSA, and we would be pleased to answer any questions that the committee has.

Mr. DONOHUE. Why don't you proceed and read that letter?

Mr. GALUARDI. I do not have an exact copy.

Mr. DONOHUE. Do you have extra copies of it?

Mr. GALUARDI. I do not have extra copies of it. I have a draft, and I am not sure it is the same one that you have there.

Mr. DONOHUE. In view of that fact, I think it would be a good idea if you proceeded and read the letter.

Mr. GALUARDI. Yes, sir.

Dear Mr. Chairman: This is in reply to your letter of January 28, 1974, requesting an expression of the views of the General Services Administration on H.R. 11499, a bill "To establish procedures and regulations for certain protective services provided by the United States Secret Service."

The bill would repeal section 2 of the Act of June 6, 1968 (Public Law 90-331; 82 Stat. 170) which requires all Federal agencies to assist the Secret Service in the performance of its protective duties under section 3056 of title 18 of the United States Code. Insofar as we are aware, section 2 has not been interpreted to require the Secret Service to reimburse or transfer to agencies the cost of rendering such assistance. H.R. 11499, if enacted, would continue to permit other Federal agencies to assist the Secret Service but, except in temporary assistance, only upon reimbursement of actual costs.

In addition to the above, the bill proposes with one exception to limit the Secret Service to providing full security at Government expense at no more than one property not in Government control as may be designated by the person entitled to the protection. The exception stated in paragraph (3) of section 2 apparently is intended to limit expenditures on other private property to an amount which cumulatively does not exceed \$5,000.

The primary responsibility for the protection of the President and others designated by law as requiring personal protection rests with the Secret Service. It has long been recognized, however, that the proper fulfillment of such responsibilities often requires the support and cooperation of other Federal agencies. The purpose of Public Law 30-331 was to eliminate any doubt as to the legal basis for such assistance and to assure that the Secret Service would be dominant in directing all protective functions.

GSA has no objection to assisting the Secret Service on a reimbursable basis as H.R. 11499 provides, but in view of the above defers to the Secret Service and to the Congress as to whether the bill is the proper vehicle for accomplishing this objective, and as to the merits of other provisions of the bill which relate directly to the protective functions of the Secret Service.

However, to be as helpful as possible to the Committee, we offer the following suggestions for amendments which we believe, if adopted, would improve the bill.

Paragraphs (2) and (3) in section 2 provide that security at full Government expense be on private property at no more than one location designated by the person to be protected; and with respect to other locations involving private property the Government's obligation would be limited to \$5,000. However, the \$5,000 limitation appears to apply only to reimbursable work and not to work performed by contract. If paragraph (3) is to remain in the bill, we recommend that it be clarified in this report.

Since purchase and contracts for the protection functions of the Secret Service are already subject to the Federal Property and Administrative Services Act of 1949, as amended, we suggest that section 4 be deleted as unnecessary. Section 5 also is unnecessary as we do not believe that existing law permits a Federal official to delegate his contracting authority to one who is not a Federal employee.

We suggest that section 6 either be deleted or alternatively be amended to reflect the current law with respect to disposal of improvements and other items acquired for security purposes. Section 6 as presently drafted infers that such property shall remain the property of the Federal government under circumstances where removal is economically unfeasible which we do not believe is intended. The section also does not provide for restoration of property to the condition which existed prior to making of the improvement when and if the improvement is removed.

In a memorandum of November 21, 1973, prepared within the Department of Justice, concerning title to improvements made on private property for security purposes, it was concluded that if items placed on the property were removed, the Federal government is under a duty to return the premises to the owner in as good a condition as when the alterations were made. Accordingly, we recommend that upon termination of the responsibility to secure the property, or if such property is determined no longer needed for security purposes, the bill pro-

vide that the property be disposed of or transferred to another Federal agency in accordance with the Federal Property and Administrative Services Act of 1949, as amended.

Finally, we recommend that paragraph 8 be amended to require that Federal agencies submit reports only on non-reimbursable expenditures. With respect to reimbursable expenditures, the Secret Service will have complete and detailed information making it unnecessary for other agencies to submit reports thereon.

Mr. DONOHUE. Mr. Butler?

Mr. BUTLER. Thank you, Mr. Chairman.

I am still trying to digest exactly just what we have been told here. The relationship in the event of severance between the property owner and the protectee in the Federal Government, is it my understanding from what you say here that this is already spelled out in a memorandum of the Justice Department dated November 21, 1973?

Mr. GALUARDI. Yes, sir.

Mr. BUTLER. Is that memorandum a regulation?

Mr. GALUARDI. It was in response to an inquiry which we made of the Department of Justice to clarify this position for the agency.

Mr. BUTLER. So it has been the policy of your agency to proceed on the basis of that memorandum?

Mr. GALUARDI. Yes, sir.

Mr. BUTLER. Well, I think that clears up several points. Is that memorandum of general public record, or is it published in the Register?

Mr. GALUARDI. Mr. Rice will answer.

Mr. RICE. Mr. Butler, it is not published. It is an internal memorandum written to the Assistant Attorney General in charge of the Lands Division within the Department of Justice. It is not a departmental position as such, but it has been used by us as guidance.

Mr. BUTLER. Well, I have two requests. I would appreciate it, one, if you would provide us with a copy of that memorandum.

Mr. RICE. We can certainly do that.

Mr. BUTLER. And secondly, I would appreciate it if you would take a moment and consider whether you think it appropriate that the substance of the memorandum be placed in the statutes, or if you think that the law is sufficiently clear without further clarification in the statute.

Mr. GALUARDI. We will consider that.

Mr. DONOHUE. You desire that to be made a part of the record?

Mr. BUTLER. Yes. That is my request.

Mr. DONOHUE. It will be so ordered when it is furnished.

Mr. DANIELSON. Will the gentleman yield for a moment?

Mr. BUTLER. I yield back my time, and you can have it.

[The document referred to follows:]

DEPARTMENT OF JUSTICE,
November 21, 1973.

MEMORANDUM

To: Mr. Wallace H. Johnson, Assistant Attorney General, Land and Natural Resources Division.

From: Anthony C. Liotta, Chief, Land Acquisition Section.

Subject: Status of title to property placed by the General Services Administration on the private property of the President at Key Biscayne and San Clemente for the protection of the President and his family and for administrative support for the President and his staff, and related matters.

The Honorable Andrew J. Hinshaw, the Representative of the 39th District of California, by letter of September 26, 1973, submitted eight questions to the Administrator of General Services Administration concerning the legal status of administrative support for the President and his staff at the Western White House, San Clemente, California, and at Key Biscayne, Florida. Mr. Sampson, the Administrator of General Services, answered the eight questions in an undated letter, which, together with Mr. Hinshaw's letter, was submitted to this Department for its views. Those questions as to which this Department has no knowledge (numbers 4, 5, and 6) are not considered in this memorandum. It was presumed that Mr. Sampson adequately answered question no. 1 and it is also not a subject of this memorandum. This memorandum will respond only to questions 2, 3, 7, and 8. Those questions are as follows:

(2) Does legal title to the items referred to above reside in the Federal Government?

(3) Does the Federal Government have the discretionary right to remove those items listed in your report referred to above?

(7) Disregarding President Nixon's public obligation to cooperate with governmental efforts to ensure his security and safety, do the owners of the subject properties have the right to have the items referred to removed and to have the property placed back in its original condition?

(8) Are such security and safety items subject to seizure and sale by private and/or lesser governmental jurisdictions against the wishes and interests of the Federal Government?

The answers to these questions and the reasons therefor, together with citation of authority, are set out below.

QUESTION (2)

By virtue of article 4, § 3, clause 2, of the Constitution, title to the items of property placed on the subject real estate by the United States (through the agency of the General Services Administration) remains vested in the United States until such items are disposed of in accordance with Federal law.

Article 4, § 3, clause 2, of the Constitution provides in pertinent part that, "The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States * * *." The courts have interpreted this provision as a grant to the Congress of exclusive power to regulate and dispose of property belonging to the United States and have uniformly held that subordinate officers of the United States are without such power, save only as it has been conferred upon them by Act of Congress or is to be implied from other powers so granted. E.g., *Ashwander v. Tennessee Valley Authority*, 297 U.S. 288 (1936); *Royal Indemnity Co. v. United States*, 313 U.S. 289 (1941); *United States v. State of California*, 332 U.S. 19 (1947); *Utah Power and Light Co. v. United States*, 243 U.S. 389 (1917); *Osborne v. United States*, 145 F.2d 892 (C.A. 9, 1944); *Beaver v. United States*, 350 F.2d 4 (C.A. 9, 1965), cert. den., 383 U.S. 927; *United States v. City of Columbus*, 180 F. Supp. 775 (S.D. Ohio, 1959).

Thus, for example, the court in *Royal Indemnity Co. v. United States*, *supra*, held (p. 294):

Power to release or otherwise dispose of the rights and property of the United States is lodged in the Congress by the Constitution. Art. IV, § 3, Cl. 2. Subordinate officers of the United States are without that power, save only as it has been conferred upon them by Act of Congress or is to be implied from other powers so granted. *Whiteside v. United States*, 93 U.S. 247, 256-257; *Hart v. United States*, 95 U.S. 316, 318; *Hawkins v. United States*, 96 U.S. 689, 691; *Utah Power & Light Co. v. United States*, 243 U.S. 389, 409; *Wilber National Bank v. United States*, 294 U.S. 120, 123-124; cf. *United States v. Shaw*, 309 U.S. 495, 501; *Ritter v. United States*, 28 F.2d 265; *United States v. Globe Indemnity Co.*, 94 F.2d 576. * * *

In the instant case the applicable Federal law as to disposition of the property is the Federal Property and Administrative Services Act of 1949 (63 Stat. 378), 40 U.S.C. § 471, et seq. For present purposes, the significant sections of the Act are sections 483(h) and 484(a) (40 U.S.C.), which provide as follows:

§ 483

(h) The Administrator [of General Services] may authorize the abandonment, destruction, or donation to public bodies of property which has no

commercial value or of which the estimated cost of continued care and handling would exceed the estimated proceeds from its sale.

§ 484

(a) Except as otherwise provided in this section, the Administrator shall have supervision and direction over the disposition of surplus property. Such property shall be disposed of to such extent, at such time, in such areas, by such agencies, at such terms and conditions, and in such manner, as may be prescribed in or pursuant to this Act.

Assuming that no disposition of the property in question has been made pursuant to the above-referenced Act of Congress (or other applicable Act of Congress), it follows that title to the property remains in the United States.

There is no Act of Congress providing that the placement of United States property on privately owned real estate works a transfer of title to such property to the landowner. With respect to property of the ordinary citizen, State law could provide that placement of one's property on another's real estate works such a transfer of title, but such a law could not affect the title to property of the United States. This is so because, as discussed above, only the Congress of the United States has the power to regulate or dispose of property belonging to the United States. This is made particularly clear in the opinion of the court in *Utah Power and Light Co. v. United States*, 243 U.S. 389 (1917). That case involved the question of the right of the State of Utah to occupy land owned by the United States without the United States permission. The lower court had ruled that the State had no such right and on appeal the Supreme Court affirmed. The Supreme Court's decision was grounded on article 4, § 3, clause 2, of the Constitution, which applies to personal as well as real property of the United States. While the subject of the opinion is land, the opinion is applicable as well to personal property. The pertinent language of the Court's opinion is the following (pp. 403-405):

The first position taken by the defendants is that their claims must be tested by the laws of the State in which the lands are situate rather than by the legislation of Congress, and in support of this position they say that lands of the United States within a State, when not used or needed for a fort or other governmental purpose of the United States, are subject to the jurisdiction, powers and laws of the State in the same way and to the same extent as are similar lands of others. To this we cannot assent. Not only does the Constitution (Art. IV, § 3, cl. 2) commit to Congress the power "to dispose of and make all needful rules and regulations respecting" the lands of the United States, but the settled course of legislation, congressional and state, and repeated decisions of this court have gone upon the theory that the power of Congress is exclusive and that only through its exercise in some form can rights in lands belonging to the United States be acquired. True, for many purposes a State has civil and criminal jurisdiction over lands within its limits belonging to the United States, but this jurisdiction does not extend to any matter that is not consistent with full power in the United States to protect its lands, to control their use and to prescribe in what manner others may require rights in them. Thus while the State may punish public offenses, such as murder or larceny, committed on such lands, and may tax private property, such as livestock, located thereon, it may not tax the lands themselves or invest others with any right whatever in them. [Citations omitted.] From the earliest times Congress by its legislation, applicable alike in the States and Territories, has regulated in many particulars the use by others of the lands of the United States, has prohibited and made punishable various acts calculated to be injurious to them or to prevent their use in the way intended, and has provided for and controlled the acquisition of rights of way over them for highways, railroads, canals, ditches, telegraph lines and the like. The States and the public have almost uniformly accepted this legislation as controlling, and in the instances where it has been questioned in this court its validity has been upheld and its supremacy over state enactments sustained. [Citations omitted.] And so we are of opinion that the inclusion within a State of lands of the United States does not take from Congress the power to control their occupancy and use, to protect them from trespass and injury and to prescribe the conditions upon which others may obtain rights in them, even though this may involve the exercise in some measure of what commonly is known as the police power.

"A different rule," as was said in *Camfield v. United States*, *supra*, "would place the public domain of the United States completely at the mercy of state legislation."

It results that state laws, including those relating to the exercise of the power of eminent domain, have no bearing upon a controversy such as is here presented, save as they may have been adopted or made applicable by Congress.

The State of California has enacted legislation dealing with the passage of title when a person affixes his property to the land of another without an agreement permitting him to remove it. Assuming that the United States property in question was affixed to the President's land without any agreement as to removal rights, the California law would, on its surface, indicate that title to such property passed as a matter of law to the President. But as the law has been construed by the California courts, it seems clear that title to the property would not pass from the United States, so that no conflict between California law and the United States Constitution arises. The law in question is the California Civil Code, Sections 660, 1013, and 1013.5, set out below in pertinent part:

§ 660. *Fixtures defined*

A thing is deemed to be affixed to land when it is attached to it by roots, as in the case of trees, vines, or shrubs; or imbedded in it, as in the case of walls; or permanently resting upon it, as in the case of buildings; or permanently attached to what is thus permanent, as by means of cement, plaster, nails, bolts, or screws; * * * . [Enacted 1872. As amended Stats. 1931, c. 1070, p. 2259, § 5.]

§ 1013. *Fixtures; affixing without agreement to remove*

When a person affixes his property to the land of another, without an agreement permitting him to remove it, the thing affixed, except as otherwise provided in this chapter, belongs to the owner of the land, unless he chooses to require the former to remove it or the former elects to exercise the right of removal provided for in Section 1013.5 of this chapter. (Enacted 1872. As amended Code Am. 1873-74, c. 612, p. 224, § 128; Stats. 1953, c. 1175, p. 2674, § 1.)

§ 1013.5. *Fixtures; removal*

(a) Right of removal; payment of damages. When any person, acting in good faith and erroneously believing because of a mistake either of law or fact that he has a right to do so, affixes improvements to the land of another, such person, or his successor in interest, shall have the right to remove such improvements upon payment, as their interests shall appear, to the owner of the land, and any other person having any interest therein who acquired such interest for value after the commencement of the work of improvement and in reliance thereon, of all their damages proximately resulting from the affixing and removal of such improvements.

The courts' treatment of disputes arising under these provisions is well illustrated in the following excerpt from *Improving the Lot of the Trespassing Improver*, John Henry Merryman, 11 Stanford L. Rev. 456, 481 (1959):

The divided ownership cases, involving annexation by tenants, licensees, trespassers and conditional vendors, are of an entirely different nature. In these the problem becomes one of deciding whether the owner of a chattel by attaching it, or allowing it to be attached, to the land of another, thereby loses his ownership. Use of the maxim ["*quiquid plantatur solo, solo cedit*"]—"what is attached to the land becomes part of it"—in these cases leads to loss of ownership by the mere fact of annexation, rather than merely to supplying a presumed intention when the parties have failed to express one, as in the common ownership cases. The unsuitability of the annexation test in divided ownership cases is amply demonstrated by the fact that, except as to bad faith trespassers, it is qualified by statute and decision in California. Tenants, licensees, good faith trespassers and conditional vendors are all allowed to remove their annexations to the land of another. Thus the annexation test is almost entirely excepted away in the divided ownership cases. [Footnotes omitted.]

(The status of the United States, having placed the property in question on the President's real estate with his permission or acquiescence, is that of a licensee.) And in *Right to Remove Fixtures from Real Property*, Note, 27 So. Cal. L. Rev. 89, 90, the author observes that:

* * * Where a licensee annexed chattels to the land of another, many California courts backed away from the indiscriminate use of section 1013 by implying, from the relationship of the parties, the necessary agreement allowing the licensee to remove the "fixture." [Footnote omitted.]

Under the new fixtures rule [§ 1013.5], courts may just as easily grant a licensee the right to remove the chattel, for it will be simple to show a mistake in law or fact in that the licensee affixed his chattels at a time when his use of the land was of a temporary nature.

In an article which treats this problem quite extensively, *The Law of Fixtures in California—A Critical Analysis*, Harold W. Horowitz, 26 So. Cal. L. Rev. 21 (1952), the author, notes the development by the courts of other tests to temper the harshness of the principle of Section 1013. He states (pp. 37-38) that:

* * * Some courts, in moderating the apparent applicability of Section 1013, have implied a consent on the part of the landowner to the licensee to remove any chattels the licensee may have affixed, solely on the basis of the licensee's being a licensee, with permission to be on the land. [Footnote omitted.] * * *

The footnote reference in the above excerpt is to *Taylor v. Heydenreich*, 92 Cal. App. (2d) 684, 207 Pac. (2d) 599 (1949). The items that the licensee was held entitled to remove included a house, a cabin, two chicken houses, a windmill, and waterpipes. The court held that (92 Cal. App. (2d) 689):

Where structures are erected upon land by a mere licensee, consent on the part of the owner of the land that the structures shall remain the property of the licensee will be implied in the absence of evidence showing a different intention. (*Gosliner v. Brioner*, 187 Cal. 557, 561 [204 P. 19]; *City of Valjevo v. Burrill*, 64 Cal. App. 399, 407 [221 P. 676].) * * *

The author of *The Law of Fixtures in California—A Critical Analysis*, *supra*, makes the following summary of the law on this topic (p. 45):

It will be helpful at this point to restate the apparent trend of the California law in regard to acquisition of ownership cases, in light of what the courts have actually decided. The courts seem to tend to reach results in accord with this statement: If a person, whether he be licensee or be otherwise legally designated, brings his chattel on to land owned by another person, the landowner will acquire ownership of the chattel only if (1) the owner of the chattel intended to transfer ownership to him, as by agreement between the parties, or (2) it will cause the landowner irreparable harm, not compensable by money damages or other legal remedies, if the owner of the chattel retains ownership and removes it from the land. * * *

Even without benefit of the presumption that the United States, as a mere licensee, did not intend that title to its property should pass to the President, the same result is compelled as a matter of law. In applying the intent test to the United States, whose property can only be disposed of by an Act of Congress, resort must be had to the United States statutes for the Government's "intent." Since Congress has not authorized vesting of title to the property in question in the President upon annexation to his property, it clearly did not intend that result.

The State of Florida has no statutes relating to this subject. Florida case law has established a three-pronged test to determine whether an article affixed to realty becomes a part of the realty and is thus owned by the landowner: (1) annexation to the realty, either actual or constructive; (2) adaptation or application to the use or purpose to which that part of the realty to which it is connected is appropriated; and (3) intention to make the article a permanent accession to the freehold. 14 Florida Jurisprudence, *Fixtures* § 3. Of the three tests mentioned, the third—the intention of the party making the annexation—is generally considered to be the chief test. *Id.*, § 5. While there appear to be no cases involving annexation by a licensee, the landlord-tenant cases, because of their rationale, indicate that the Florida courts would presume that the United States did not intend to make the property in question a permanent accession to the freehold. The element of intention is given special emphasis in the case of chattels placed on realty by one in possession thereof in the relation of tenant, and it is the presumption in such case that the tenant does not intend to enrich the freehold, but makes such addition for his own benefit. *Id.*, § 15. Inasmuch as the interest of a mere licensee in the real estate is much less than that of a tenant, it would seem that the presumption is even stronger that there was no intent on the part of a licensee to enrich the freehold. But even without the benefit of such a

presumed intent, for the reasons stated earlier in the discussion of California Law, the United States as a matter of law could not have intended to enrich the freehold by transferring its title to the freeholder.

It would appear from the foregoing that under the law of California and Florida, property attached by the United States to the San Clemente and Key Biscayne properties would, under the circumstances, remain the property of the United States. This conclusion comports with what the text-writers find to be the law generally. For example, 35 Am.Jur.2d, *Fixtures* § 80, states the law as follows:

As a general proposition, a building erected by one under a license or with the express consent of the landowner does not become a fixture but remains the personal property of the annexer. [Footnote citing numerous cases omitted.] * * * And in the absence of any other facts or circumstances tending to show a different intention, it is generally considered that where the landowner consents to the placing of a building on his land by another without an express agreement as to whether it shall become a part of the realty or remain personalty, an agreement will be implied that such building is to continue personal property. [Footnotes citing numerous cases omitted.] * * *

To the same effect is the rule as stated in 41 Am.Jur.2d, *Improvements* § 3:

* * * And it seems that where the erections are made with the permission or license of the owner, by one having no estate in the land and hence no interest in enhancing its value, an agreement that the structures shall remain the property of the person making them will be implied, in the absence of any other facts or circumstances tending to show a different intention. [Footnote omitted.] * * *

But even if the applicable state law were contrary to our assessment of it, so that its proper interpretation would compel divestiture of the United States property, that law would be in direct conflict with the United States Constitution and the former must yield to the latter.

QUESTION (3)

The answer to this question is yes, the Federal Government does have the discretionary right to remove the property in question. The reason is clear: unless the property has been abandoned or transferred to the President pursuant to law, and it is assumed that such is not the case, the property remains the property of the United States and is subject to its disposal.

QUESTION (7)

The answer here is that the Government is under a duty to return the premises to the owner in as good a condition as when the annexations were made. This obligation arises from an implied covenant against waste. *United States v. Bostwick*, 94 U.S. 53, 66-68 (1876), and see *United States v. Jordan*, 186 F.2d 803, 806 (C.A. 6, 1951), *aff'd* 342 U.S. 911 (1952). When this covenant is breached, the breaching party is liable for the cost of restoration. See *United States v. Flood Building*, 157 F.Supp. 438, 442 (N.D. Cal., 1957) and cases cited therein. For such a breach of covenant the United States would be liable to suit under the Tucker Act, 28 U.S.C. §§ 1346 and 1491. But while the Government would be liable to suit for damages, because it has waived its immunity thereto by the Tucker Act, it could not be compelled to actually restore the premises because its sovereign immunity has not been waived to that type of judicial relief.

QUESTION (8)

The answer to this question is no, the property in question is not subject to seizure and sale by private and/or lesser governmental jurisdictions. This follows from the status of the property as property of the United States and the doctrine of sovereign immunity.

It is fundamental that the United States of America, as sovereign, is immune from suit unless it specifically consents thereto. E.g., *United States v. Sherwood*, 312 U.S. 584 (1941); *United States v. Shaw*, 309 U.S. 495 (1940); *Stanley v. Schwalby*, 162 U.S. 255 (1896).

"A proceeding against property in which the United States has an interest is a suit against the United States." *United States v. Alabama*, 313 U.S. 274, 282 (1940). Accord: *Minnesota v. United States*, 305 U.S. 382, 386-387 (1939); *Maricopa County v. Valley National Bank*, 318 U.S. 357, 362 (1943).

United States v. Alabama, supra, involved proceedings in a county court for the sale of lands owned by the United States for failure to pay taxes. The court held (p. 282) that:

* * * The United States was an indispensable party to proceedings for the sale of the lands, and in the absence of its consent to the prosecution of such proceedings, the county court was without jurisdiction and its decrees, the tax sales and the certificates of purchase issued to the State were void. * * *

The Congress has enacted no statute consenting to the seizure and sale of United States property.

The rule has been stated in 33 C.J.S. *Executions*, § 35, p. 164, as follows:

It is considered general doctrine needing no statutory sanction that the land and property of the state or its agencies or political subdivisions is not subject to seizure under general execution in the absence of statute expressly granting such right, * * * and it has been said that as a matter of public policy, general statutory provisions making property subject to execution are construed to apply only to the property of private persons and corporations, and not to that of public corporations or bodies politic.

The rule is similarly stated in 30 Am. Jur. 2d, *Executions*, § 39; 54 Am. Jur., *United States* § 140.

Mr. DONOHUE. Mr. Danielson.

Mr. DANIELSON. Thank you. I would like to request in addition that the copy of this memorandum be supplied to each member of the subcommittee. At the time that it is entered in the record, it will be too late for me to consider it in connection with the bill.

Mr. RICE. How many copies?

Mr. DONOHUE. Would you furnish such copies so that each member may have one in his possession?

Mr. RICE. Certainly.

Mr. DANIELSON. I would also greatly appreciate it if the witness would supply each of us, or staff could supply each of us, with a copy of his oral statement, so that we will not have to wait until the committee report comes out before we can consider the material.

Mr. DONOHUE. Do you have in mind the statement that he just read?

Mr. DANIELSON. Yes; the statement he just read. It would be helpful to me. I heard it, but I do not have that retentive a mind.

Mr. DONOHUE. I think the staff can make up copies of it.

Mr. DANIELSON. Fine.

Mr. DONOHUE. We have the original here.

Mr. DANIELSON. I have no questions. I just simply had those requests which I feel would be of assistance in our consideration of this bill.

Mr. DONOHUE. Mr. Froehlich?

Mr. FROEHLICH. No questions, Mr. Chairman.

Mr. DONOHUE. Mr. Thornton?

Mr. THORNTON. No questions. Thank you.

Mr. DONOHUE. Well, thank you very much.

We will now hear from the gentleman representing the General Accounting Office.

**TESTIMONY OF ROBERT KELLER, DEPUTY COMPTROLLER GENERAL,
GENERAL ACCOUNTING OFFICE; ACCOMPANIED BY IRVINE
CRAWFORD, ASSOCIATE DIRECTOR, GENERAL GOVERNMENT
DIVISION**

Mr. KELLER. Mr. Chairman and members of the committee. First I would like to introduce my associate, Mr. Irvine Crawford, who is the

Associate Director of our General Government Division and prepared our report on Key Biscayne and San Clemente.

We are very glad to appear here this morning to give you our views on H.R. 11499, a bill, which if enacted, would be cited as the Presidential Protection Act.

H.R. 11499 would spell out more precisely than is now the case the circumstances under which protection may be furnished to the President and other persons entitled to protection under 18 U.S.C. 3056, particularly with respect to security expenditures on property which is not owned by the Government. It would also revise the manner in which protective work on private property by the Federal departments and agencies is funded.

H.R. 11499 is, of course, an outgrowth of the controversy over expenditures at President Nixon's residences at San Clemente and Key Biscayne, and to a lesser extent, at other locations. As the controversy grew, GAO began to receive letters from Members of Congress, some asking for information, and others calling for an investigation. These letters expressed a common concern about the magnitude of the total reported expenditures and, with respect to specific expenditures, questioned whether the work performed:

Related to the protection of the President;

Provided a nonprotective benefit to the President.

Many letters also expressed an interest in expenditures made at the residences of past Presidents.

In response, GAO made a review of the expenditures for protective purposes at Key Biscayne and San Clemente, noting expenditures for other purposes when appropriate. GAO also gathered information on expenditures on the residences of several past Presidents.

Our findings were included in a report to the Congress dated December 18, 1973, entitled "Protection of the President at Key Biscayne and San Clemente (With Information on Protection of Past Presidents)." We had testified earlier before the Subcommittee on Government Activities of the House Government Operations Committee regarding expenditures for the protection of past Presidents at their private residences. We note that the subcommittee has also issued a report on the subject.

Although the review and report made by the Comptroller General were intended to answer the primary questions being asked about the protective measures at Key Biscayne and San Clemente, we took the occasion to also review the experiences of 1968-73 in terms of budgeting, accounting, and auditing with a view to identifying what had been done or still needed to be done to strengthen control by the Congress and promote understanding by the public. We think that the observations we made will be useful to the committee as it considers the need for better controls over expenditures for protection.

We observed that after the enactment of Public Law 90-331 of June 6, 1968, the Secret Service began to draw heavily on GSA appropriations in order to carry out Secret Service protective functions. This arrangement, we think, has the following weaknesses:

GSA funds are not directly associated with Secret Service protection activities during the budget preparations and review process.

A casual attitude in authorizing work is fostered. Because many requests were verbal, who made requests or precisely what was requested could not readily be determined.

GSA is invited to do more than simply execute Secret Service requests, particularly when the requests are vague or general.

On the basis of the foregoing, we made several recommendations to the Congress. Let me discuss them briefly and relate them generally to H.R. 11499 where appropriate.

First, we recommended that appropriations for expenditures at private residences for protective purposes should be made to the Secret Service and no other funds should be available for that purpose. In this respect, changes made in the financing of GSA public buildings activities by the Public Buildings Act Amendments of 1972 now require that the Secret Service obtain appropriations and reimburse GSA for protective assistance beginning July 1, of this year. H.R. 11499 also addresses this problem, providing that expenditures for securing any nongovernmentally owned property shall only be from funds specifically appropriated to the Secret Service (section 7), except that temporary assistance may be given by Federal departments and agencies without reimbursement for not exceeding 2 weeks at any one location in any 1 year (section 2(1)).

Second, we recommended that the accounting system of the Secret Service should require that expenditures at private residences for protective purposes be authorized by the Director or Deputy Director of the Service. H.R. 11499 provides that advance written request of the Director or his authorized representative is required to obtain assistance in making secure property not in Government ownership (section 2, (2) (3)).

Third, we recommended that the Secret Service make an annual public report to the Congress showing in as much detail as security will allow expenditures made on private residences for protective purposes.

H.R. 11499 provides that every department and agency, including the Executive Office of the President, making expenditures under its provisions shall transmit a detailed report of such expenditures to the Committees on Appropriations and Committees on Government Operations on April 30 and September 30 of each year.

Fourth, we recommended that the report made by the Secret Service should be subject to audit by GAO and that GAO should be given complete access to all records, files, and documents supporting expenditures made by the Service.

H.R. 11499 is silent on this matter. While we have authority to perform such an audit under existing statutes, we believe that an express provision for audit might act as a deterrent on doubtful expenditures and would tend to preclude any withholding of access to records on the claim of security.

I might add at this point, Mr. Chairman, in connection with the work we did on Key Biscayne and San Clemente, we had full cooperation from the Secret Service and GSA in developing our report.

Fifth, we recommended that appropriations for expenditures on private residences of the President, not of a protective nature, should be made to the White House. The White House should account for such

expenditures and make an annual report to the Congress, subject to audit by GAO in the same manner suggested for expenditures by the Secret Service for protective purposes.

H.R. 11499 is understandably silent on this matter, being intended to amend legislation relating to protection. However, we believe that consideration should be given to this recommendation by the appropriate committees.

I might add, Mr. Chairman, and members of the committee, we have in mind the expenditures made on private property for furnishing offices and matters of that type, which are not of a protective nature, yet they are expenditures on private property, and appropriations should be made to the White House for that purpose and properly accounted for.

In addition, we suggested that Congress may wish to consider limiting the number of private residences at which permanent protective facilities will be provided for a President and that consideration should be given to the desirability of a Government-owned residence in Washington for the Vice President. As you know, Public Law 93-346, enacted July 12, 1974, designated the premises occupied by the Chief of Naval Operations as the official residence of the Vice President.

Regarding a limit on the number of residences at which permanent facilities will be provided for a President, our belief is that some expression by Congress could avoid unnecessary controversy in the future.

With respect to specific provisions of H.R. 11499, we offer the following comments:

Section 2(1) would limit nonreimbursable assistance to the Secret Service by Federal departments and agencies to "a period not to exceed 2 weeks at any one location in any 1 year." We suggest that the bill specify whether the "1 year" means a calendar year, a fiscal year, or a 12-month period. Also, it is not clear whether the 2-week limit at any one location applies separately to each person entitled to protection under 18 U.S.C. 3056 or under the act of June 6, 1968.

Section 2(2) allows any person designated under 18 U.S.C. 3056 or under the act of June 6, 1968, to designate one non-Government property to be secured by the Secret Service. Since the President and his immediate family are all entitled to protection under 18 U.S.C. 3056, a President and his wife, could under the bill each designate a separate property not in Government control or ownership to be protected at public expenses.

The language of section 2(2) should perhaps be modified with respect to reimbursement of certain costs where military equipment and men are used. Protection of the President may, for example, involve the use of Coast Guard vessels. It would not seem necessary that the Secret Service be required to reimburse the Coast Guard for crew salaries and other operating expenses of its vessels.

There was some discussion a little earlier on this point. I am thinking particularly of President's Nixon's residences which are on the water, and Coast Guard protection was furnished.

Section 6 provides for removal of security facilities upon termination of protective responsibility unless removal is "economically un-

feasible." Because some security facilities can detract from the value of the property in the eyes of the owner, it would seem reasonable to make provision for removal at his request, whether such removal is economically feasible or not.

And here again, we go back to your earlier discussion with other witnesses where you have a situation where it is possible that the facility as installed could be an eye-sore and the owner would want it removed.

That concludes my statement, Mr. Chairman. I would like to add that the bill before your committee is very much in line with the recommendations made by the Comptroller General in his report.

I would like to mention one additional point. Under the Public Building Act Amendments of 1972, which I discussed a moment ago, each Federal agency is required to pay GSA for the cost of the space it uses and for other facilities that are furnished. It could be argued that this will take care of one problem, because the Secret Service now has to pay GSA for facilities that are installed and for work done by it.

As a word of caution this might work very well as long as the Public Building Act Amendments of 1972 is on the books. But, it has been quite controversial this year. My feeling is that it would be better to spell the requirement for Secret Service appropriations in the law.

We will be glad to answer any questions you have, Mr. Chairman.

Mr. DONOHUE. Mr. Butler?

Mr. BUTLER. Thank you, Mr. Chairman.

I appreciate Mr. Keller's testimony and careful review of this legislation. There are several questions which arose as you proceeded and I would like to think in terms of the Coast Guard protection for a moment, and the 2 weeks limitation.

For example, if the President of the United States chose to go to the beach for a month, would the Coast Guard services under this legislation have to terminate at the end of 2 weeks or not?

Mr. KELLER. My interpretation would be that without reimbursement it would terminate at the end of 2 weeks. It could continue after that time, if the Secret Service had the funds to pay for the services.

Mr. BUTLER. So this whole problem of the Coast Guard is probably also related to the Army protection, if it is an inland operation?

Mr. KELLER. Yes, I used the Coast Guard as an example, because both of President Nixon's places were protected by the Coast Guard.

Mr. BUTLER. Yes. I understand.

Now, what I do not have are the legislative changes you would suggest to cover this problem. Would it be appropriate for you to suggest some specific changes in the language of the legislation?

Mr. KELLER. We will be very glad to do that. I do not have it with me this morning.

Mr. BUTLER. Would you then?

Mr. KELLER. I think there are a number of instances where, using again the example of the Coast Guard, a protective service is furnished that is a part of the agencies' manual duties. Perhaps these types of services, if we can properly define them, should be excluded from the expenses that have to be picked up by the Secret Service.

Mr. BUTLER. Yes, sir. I just feel like your agency is probably more familiar with the details that arise or that might arise under this

legislation, and if you could make some suggestions for the record, then I would appreciate it. And I think it would be very helpful to me as we proceed to mark up this legislation, if that time arises.

I would also appreciate your view of the effect that this legislation has on expenditures made prior to the effective date of his legislation, when protective property comes out from under the protection of the Secret Service and the related problems to that.

Specifically, I would think that maybe San Clemente or Key Biscayne might be specific problems. What happens when President Nixon's property no longer is entitled to protection, what effect would this legislation have, both for tax purposes and for the purposes of legislation?

Mr. KELLER. Mr. Butler, I am not prepared to do that right now.

Mr. BUTLER. Well, I certainly do not want an answer if you are not prepared. But, would you do us the courtesy of reviewing your thinking on this and let us know for the record at your earliest convenience?

Mr. KELLER. Off-hand, I think that perhaps some of the termination procedures might apply.

Mr. BUTLER. Well, you have prepared this report, so you know specifically what is involved in it, and I am anxious, I do not want to do an injustice in writing in legislation and have some retroactive effect that is not anticipated, so I would appreciate your view on that simply, and then we will determine the policy of what we want to do. But, I would like to know the effect of what we are about to do, before we do it, if possible.

Mr. KELLER. We will be glad to supply that for the record.

Mr. BUTLER. And would you also, to the extent that you can, relate this also to the tax questions which would naturally arise based on the recent reports of the Joint Committee on Internal Revenue Taxation and the effect that this legislation might have on the tax consequences, both as to Key Biscayne and San Clemente, and generally property under the protection of the Secret Service?

Mr. KELLER. Mr. Butler, we will try our hand. I really think that the appropriate agency you should ask is the Internal Revenue Service.

Mr. BUTLER. Well, if you want to disclaim that, just do it for the record, and we will look to somebody else. But, if we can get the benefit of your judgment, without any extra charge, why, I think, I would like to have it.

Mr. KELLER. Yes, sir.

Mr. BUTLER. And I yield back the balance of my time, Mr. Chairman.

[The information referred to follows:]

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., October 1, 1974.

Hon. HAROLD D. DONOHUE,
Chairman, Subcommittee on Claims and Governmental Relations, Committee on
the Judiciary, House of Representatives.

DEAR MR. CHAIRMAN: During my testimony before your subcommittee on August 21, 1974, concerning H.R. 11499, 93d Congress, I was asked several questions and agreed to furnish written responses for the record.

These questions and our responses follow:

What is your view of the effect H.R. 11499 will have, for tax purposes, on expenditures made prior to the effective date of this legislation, such as those made at San Clemente and Key Biscayne? Also, what tax questions would naturally arise based on the recent reports of the Joint Committee on Internal Revenue Taxation concerning Federal expenditures at those properties?

As you know, we can make no determination on questions of tax liability, since that responsibility is vested by law in IRS. Neither do we have any firm basis for predicting the tax consequences of security expenditures. However, we offer the following comments for consideration by the Committee.

With respect to President Nixon, his tax liability relating to expenditures at Key Biscayne and San Clemente has evidently been determined to the satisfaction of IRS through the year 1972. We do not think that H.R. 11499 would place any tax burdens on him different from those which would be imposed on others, present or future, in the same circumstances. However, we note that any person protected might be liable for tax on protective work for the year in which it was done and later also required to pay the increase in fair market value of his property attributable to the same work if he designated a new residence under section 2(2) of the bill.

Until the Nixon presidency, there never was a public question raised on the taxability of protective and other work performed on presidential property by Federal agencies. However, the staff of the Joint Committee on Internal Revenue Taxation, in reviewing President Nixon's tax returns, and other materials, decided that certain of this work could result in taxable income. And, although it did not decide whether past Presidents should have been taxed, there is little doubt that IRS adherence to the staff's line of reasoning would expose other Presidents to the same tax treatment.

The staff of the Joint Committee took the following basic positions:

An employer/employee relationship exists between the United States (employer) and the President (employee).

The tax law provides that improvements and other expenditures made by an employer on the property of an employee can produce income for the employee. The law creates no exception for property installed by GSA for the President of the United States.

A President can be liable for tax on the personal economic benefit to him of Federal expenditures on his property, even though they may have been properly authorized for protective purposes.

A President can be liable for tax on Federal expenditures on his property even though it is not clear that the President would have been willing to incur the expenditures himself.

A President can be liable for tax on Federal expenditures on his property even though title to facilities installed remains with the United States Government.

The staff then turned to specific expenditures at Key Biscayne and San Clemente and determined whether:

The economic benefit to the President was substantially greater or substantially less than the protective benefit to the United States.

Additional expenditures made for considerations of appearance were to satisfy the President's personal taste, or were to assure that security features did not adversely affect the appearance of the premises.

Where the staff judged the President to be the more favored, it declared that taxable income had been received.

It appears from the foregoing that a President runs the risk of substantial taxation if he allows the Secret Service to expend Federal money at his private residence, and that risk increases if efforts are made to conform facilities to the architecture of the residence or otherwise go beyond the functional minimum.

As indicated above, the Joint Committee staff reasoning rests in part on the conclusion that an employer/employee relationship exists between the United States and the President. This leaves unresolved the possible tax liability of others entitled to protection. Children of the President, Presidential widows, and former Presidents are examples. These persons are not employees of the United States and consequently may, or may not, be subject to tax for improvements made on private property for security purposes.

What is your view of the effect that H.R. 11499 will have on expenditures made prior to the effective date of the legislation, such as the expenditures at Key Biscayne and San Clemente?

Section 2(2), as amended, allows each person to be protected, including specifically former Presidents, to designate one non-Government property to be secured on a permanent basis by the Secret Service, and also requires that one who changes his designation from one property to another may be liable to the Government to the extent that its expenditures for non-recoverable facilities have increased the fair market value of the first property. No distinction is made in the bill between those currently receiving protection and those who might subsequently become eligible for it. It appears to us, therefore, that a person for whom the Secret Service has previously provided permanent protection at more than one non-Government property and for whom it is doing so at the time of enactment of this bill would, like all others protected, be required to designate one private property under section 2(2). Section 2(2) would not, we believe, require that such a person be liable for increases to the fair market value of previously protected properties other than the one he designates. Rather, disposition of improvements to the non-designated property would be governed by existing law and procedures. Generally under existing law and procedures all items which it is economically feasible to remove, or which the property owner wants removed, are to be recovered, and the property is to be restored to its former condition; all other items are to be disposed of in accordance with the Federal Property and Administrative Services Act of 1949, as amended.

Section 3, limiting expenditures by the Secret Service for permanent protection at non-Government property is, we believe, prospective in effect, as are sections 4 and 5 dealing with requirements for purchasing and contracting under the bill. Sections 6, 7, and 8 apply, by their terms, to improvements and other items acquired pursuant "to this Act," and are thus also prospective only.

What specific changes in the language of H.R. 11499 would you suggest to enable the Coast Guard and military services to furnish a protective service that is a part of the agency's normal duties?

In our report, "Protection of the President at Key Biscayne and San Clemente (With Information on Protection of Past Presidents)," B-155950, December 18, 1973, we took the position that certain assistance to the Secret Service by other Federal agencies, such as the assignment of Coast Guard vessels to patrol duty, should not be subject to a requirement for reimbursement. We suggest that section 2 of H.R. 11499 be amended by adding at the end of it the following language:

"Notwithstanding paragraphs (1), (2), and (3) of this section, no reimbursement shall be required to be made to the Army, Navy, Air Force, or Coast Guard for services furnished pursuant to this Act to assist the Secret Service, provided that the personnel, equipment, or facilities used to provide such services are not specially obtained for that purpose, and that expenditures for assistance furnished under paragraph (1) which exceed the two week limitation therein shall be reported in detail under section 8."

Will you give us your judgment as to the reasonableness of the \$5,000 figure in section 2(3) of the bill?

We have no specific suggestion for an alternative to the \$5,000 limitation in section 2(3). It is not possible to foresee who will be protected, the places where protection will be provided, the kinds of equipment which will become available, and so forth. At the same time if section 2(3) is significantly liberalized, the basic philosophy of H.R. 11499 will be undermined.

If past assistance provided by GSA to the Secret Service at other than a principal residence is taken as a measure of what is required, the \$5,000 limitation is too low. For example, President Nixon visited Grand Cay in the Bahamas occasionally. In connection with such visits, GSA expenditures in support of the Secret Service totaled \$16,000 at June 30, 1973, as follows:

16 ft. Trailer for Secret Service Command Post.....	\$1, 883
Bunkhouse addition to expand sanitary facilities and upgrade kitchen facilities for Secret Service and military men stationed on island during visits of President.....	10, 471
Installation of security lights on exterior of Beach House occupied by President on visits.....	2, 135

Installation of electric circuit to garage (where security vehicles are stored) for lights and chargers.....	1,511
Total	16,000

We understand that the owner of Grand Cay spent additional personal funds in connection with the bunkhouse.

Similarly, President Johnson visited his Haywood Ranch frequently. It was located about 50 miles from the LBJ Ranch. GSA expenditures in support of the Secret Service totaled \$11,500 at June 30, 1973, as follows:

Build and alter boathouses and docks.....	\$5,800
Maintenance and repairs.....	5,700
Total	11,500

These expenditures are based on available documents. It is likely that additional amounts were expended during years for which detailed records were not available. Also, the cost of boats provided by the Coast Guard are not included and would be additional.

The foregoing cases illustrate also the difficulty of anticipating in legislation the kinds of protective measures which need to be taken for future Presidents and others. We believe that the Secret Service would be in a better position than GAO to advise you as to the appropriate figure to be used.

We will be pleased to furnish any further assistance you may require in your consideration of H.R. 11499.

Sincerely yours,

_____, _____,
Deputy Comptroller General
of the United States.

Mr. DONOHUE. Mr. Danielson?

Mr. DANIELSON. On page 4 of your statement, sir, in the recommendations, the second one you referred to the advanced written request by the Director or representative for making secure property.

Would you feel that there would be any need to have that request contained in some kind of a certification to the effect that this is for security related purposes?

Mr. KELLER. I do not think, sir, that this would be necessary, if the Director or the Deputy Director approves the expenditure as necessary for security purposes.

Mr. DANIELSON. Well, if he does that, he is making a recommendation?

Mr. KELLER. That is right.

Mr. DANIELSON. I am thinking of the actual words for security measures. Rather than just requesting the improvement, to have the request contain language to the effect that this is a security related expenditure.

Mr. KELLER. It certainly would not hurt, Mr. Danielson. But the Secret Service would have to approve the expenditure, and its only authority, to give such approval would be on the basis of the security of the President or others entitled to protection.

Our problem is as disclosed in our report and in the report of Congressman Brook's committee, that there was quite a casual attitude in the manner in which these expenditures were authorized.

Inasmuch as the Secret Service did not have to spend its money, maybe it was not too worried about what was done. And if the GSA is advised that this is security necessary, it goes ahead. It is a relaxed way of obligating money.

Mr. DANIELSON. I believe I understand your answer. And that is the exact point I am trying to reach. We all being human get into the

habit of being a little bit relaxed and casual in matters sometimes and therefore it becomes worthwhile to go through the formality in order to keep us mindful of the obligations that we have there.

Referring now to item 4 in your recommendations, which is the top of page 5, we have a related problem. I think it is implicit in the statute which gives you the right to make an audit or the requirements that you make an audit that the agency being audited cooperates fully. You seem to feel that it might be desirable here to spell out with express language in the statute that you do have the authority and you state that an express provision for audit might act as a deterrent on doubtful expenditures and would tend to preclude any withholding of access to records on claim of security.

This is similar to my last comment. Sometimes I think it useful to spell these things out. Has it been your experience that your office has ever been confronted with a withholding of access to records by a Government agency?

Mr. KELLER. Yes, sir. We have had that happen. Not too often, but we do have it happen from time to time.

Mr. DANIELSON. It is a matter, anyway—

Mr. KELLER. Sometimes it is delay which amounts to withholding.

Mr. DANIELSON. But you do find sometimes where the cooperation is a little bit reluctant, is that not the fact?

Mr. KELLER. Yes, sir. I might add, Mr. Chairman, on the fourth recommendation I am not prepared to bleed to death on it. We suggested it as an extra precaution.

Mr. DANIELSON. Sir, we have covered the point and you do not have to bleed to death. We will put it in the bill if possible.

On page 6, paragraph 3, you refer to nonreimbursable assistance. I wish you would give me a few illustrations of that. I have a little trouble getting them to come to mind. What sort of things are these?

Mr. KELLER. Going back to the provision in the bill on page 2 where it provides for no reimbursement when personnel, equipment, facilities are furnished on a temporary basis. This to me would mean that the Secret Service could be assisted or, in fact, it could call on almost any agency in the Government for temporary assistance in protection of the President for a period not to exceed 2 weeks.

It might be one of the military establishments or some intelligence unit that Secret Service is not ordinarily working with. It could be temporary construction items that might be done via GSA. It could cover personnel. The equipment might be communication equipment for a temporary period, or facilities might be a trailer that is to be furnished by the military.

Mr. DANIELSON. I am simply not familiar with the subject matter. I suppose that the Secret Service could call upon each of the several Government agencies to cooperate for the period of 2 weeks during the course of the year under the language here, as I read it anyway.

Mr. KELLER. I think it could be quite broad and I suspect under the 1968 act that was done. I am not intimately familiar with it, but I am sure the Secret Service could comment.

Mr. DANIELSON. I appreciate your comments relative to section 6. It has come up two or three times this morning. That is the cost of removal.

Let us say they put in some kind of a blockhouse or something like that, and I think it is something we ought to consider.

Lastly, since the Government is to retain ownership of improvements, at least until the time that the security requirements expire, would you give us a comment as to whether you feel it would be desirable to have some type of lien recorded with the real estate records? Internal Revenue, for example, can file a tax lien. We are all familiar with home mortgages. Is there some kind of a lien to protect this interest, or would the fact that is a part of the U.S. Code or the public laws of the United States, and everybody is presumed to know the law, would that be sufficient in and of itself?

Mr. KELLER. That may be sufficient. I think that perhaps the best way to go about it, even though it would not be as good as a lien filed in court, is to have an agreement with the person being protected, a written agreement, that would spell out what was Government property and what was not Government property in the residence.

Mr. DANIELSON. I do not think it is a real problem. It could happen, but I would rather endow my President with the credibility which means that they are going to honor the lien.

Mr. KELLER. As lawyers, we know we can get into arguments as to what is a permanent fixture and what is a temporary fixture.

Mr. DANIELSON. I have no further questions.

Mr. DONOHUE. Mr. Thornton.

Mr. THORNTON. Thank you, Mr. Chairman.

I do want to compliment you on the thorough presentation which you have made. I would like to ask you to turn your attention very briefly to the dollar figure of \$5,000 which is presently mentioned in item 3, and which is expressed as being a judgment figure, or one that was chosen arbitrarily in order to designate the scope of expenditures which might be appropriate.

I am very concerned about using a dollar figure, and especially, concerned about using a \$5,000 figure, in view of some of the expenditures which are listed in the appendices that are listed in the report to the Congress that the Comptroller General has furnished. It seems from this appendix that rather routine expenditures do run up above \$5,000 rather quickly.

Navigational aids for aircraft, beacon lights to facilitate helicopter landing, and an iron fence around the Truman property that cost \$5,400. I wonder if you have any basis for giving a judgment as to what figure might accommodate reasonable electronic protection devices or other equipment which might, indeed, be necessary to be installed at other places where protection is to be provided?

Mr. KELLER. Offhand, I do not, sir. But, I would have to agree with you, \$5,000 today does not get you very far. I think that probably the figure is low. And yet I have to agree that on the premise of the provision, that is, the second location, if you do not have some limit on it, then you are going to have the same type of protection, or could have as under the earlier section of the bill, with the result that more than one permanent residence could be protected without limitation.

So, I think that for what we might call a second home, so to speak, there should be a limit of some kind.

I would like to, if we could, to review our report again and try to come up with a figure that would be more realistic.

Mr. THORNTON. The figure to be inserted, assuming that a figure is appropriate, would not mean that that much money was required to be spent, but that an expenditure of above that amount would be prohibited, if I understand the drafting of the bill. And it would be very helpful to me to know what kind of expenditures might be reasonably expected for temporary or for a second residence which was not covered, but which did require some facilities. I would appreciate it if you would give us some guidance on that.

Mr. KELLER. Yes, sir. We will be very happy to. [See p. 45.]

Mr. THORNTON. I have no further questions.

Mr. DONOHUE. I would like to ask you, Mr. Keller, a question.

Mr. KELLER. Yes, sir.

Mr. DONOHUE. Prior to say the enactment of this legislation and similar legislation insofar as Key Biscayne and San Clemente is concerned, when all of these expenditures were made on those two homes of our President, our former President, how were they paid for? Out of GSA fund?

Mr. KELLER. They were paid for for the most part out of GSA funds. There were some, I believe our report shows a figure of roughly \$80,000 or \$90,000, which was spent by the Secret Service.

We are talking about facilities, we are not talking about the pay of the Secret Service agents. We are talking about construction. We are talking about guardhouses, fences, the electronic systems, et cetera.

Mr. Crawford, maybe you can correct me on that. Is that roughly right?

Mr. CRAWFORD. Yes. There was about \$30,000 in Secret Service equipment at Key Biscayne and \$60,000 at San Clemente.

Mr. KELLER. In our report we confined ourselves to the actual expenditures on the properties. I think the total expenditures on the two properties were about \$1,400,000.

Mr. DONOHUE. Well, under H.R. 11499 that we have before us for consideration today, that condition would be corrected. Any money expended would come out of the appropriation to the Secret Service, is that correct?

Mr. KELLER. Yes. When it is for protective purposes.

Mr. DONOHUE. And are we to assume that the Secret Service would not expend any money other than for protective purposes?

Mr. KELLER. I think that is correct, sir.

Mr. DONOHUE. And therefore the money would have to come out of the appropriation to the Secret Service agency.

Mr. KELLER. That is correct.

Mr. DONOHUE. So the passage of this bill or a similar bill would avoid the situation that existed in the past whereby other agencies of the Government could be called upon by the Secret Service to do certain work on non-Government-owned property?

Mr. KELLER. That is correct.

Mr. DONOHUE. Well, thank you very much.

Are there any further questions?

If not, we wish to excuse you with our thanks.

Mr. BROOKS. Mr. Donohue, could I for the record give you a couple of documents on San Clemente and Key Biscayne expenditures, broken down by the agency?

Mr. DONOHUE. If there is no objection, we will accept the two statements and have them made a part of the record.

[The documents referred to on San Clemente and Key Biscayne follow:]

San Clemente

Personnel expenditures:

Secret Service, fiscal year 1973 -----	\$469,500
GSA, annual salaries based on salary level as of July 1973 -----	82,409
WHCA, fiscal year 1973 -----	65,000
Coast Guard, fiscal year 1973 -----	90,000
Annual costs based on fiscal year 1973 salary level -----	<u>706,909</u>

Installations, operations and maintenance:

Secret Service security equipment and devices -----	<u>143,831</u>
GSA:	
Residence -----	703,367
Office complex (equipment, capital expenditures, operations and maintenance) -----	1,741,080
	<u>2,444,447</u>
DOD:	
Helipad -----	428,600
Communications -----	3,056,600
	<u>3,485,200</u>
DOT:	
Coast Guard -----	286,665
Total installations, operations and maintenance -----	6,360,143

Key Biscayne

Personnel expenditures:

Secret Service personnel, during fiscal year 1973 -----	\$369,500
Coast Guard Patrol, fiscal year 1973 -----	467,000
WHCA, fiscal year 1973 -----	65,000
GSA, annual cost based on August 1973 salary -----	55,420
Total annual personnel costs -----	<u>956,920</u>

Installations, operations and maintenance: (as of June 30, 1973)

Secret Service security equipment and devices -----	<u>66,730</u>
GSA:	
Capital expenditures -----	579,907
Equipment -----	46,294
Operations and maintenance -----	554,321
	<u>1,180,522</u>
DOD:	
Helipad -----	412,000
Shark net -----	20,267
Communications -----	1,622,665
Electric power generator -----	23,500
	<u>2,078,432</u>

Key Biscayne—Continued

DOT:

Electronic equipment, buoys, and 6 small boats -----	137,200
Security detail building -----	31,220
Additional buoys -----	1,500
Docking and boat house for President's hydrofoil -----	21,678
	<hr/>
	191,598
	<hr/>
Total installations, operations and maintenance -----	3,517,282

Mr. DONOHUE. The Chair will now declare this hearing closed.

[Whereupon, at 12:05 p.m., the hearing in the above entitled matter adjourned, subject to the call of the Chair.]

[Reports furnished the committee on the bill H.R. 11499 by the Comptroller General and the General Services Administration are as follows:]

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., May 16, 1974.

B-155950

Hon. PETER W. RODINO, JR.,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CHAIRMAN: This refers to your request for our views on H.R. 11499, 93d Congress, a bill which if enacted would be cited as the "Presidential Protection Assistance Act of 1973," and which is intended to establish procedures and regulations for certain protective services provided by the United States Secret Service.

This Office has prepared a report dealing with the problems which this bill is intended to meet, entitled "Protection of the President at Key Biscayne and San Clemente (With Information on Protection of Past Presidents)," B-155950, December 18, 1973, copy enclosed. H.R. 11499 is generally consistent with the recommendations in our report. We note, however, that although the bill provides for annual reports (to be made to the Committees on Appropriations and the Committees on Government Operations) on expenditures by the Secret Service for protective services on private property (section 8), it does not provide specifically, as we suggested, that such expenditures be subject to audit by this office, and that for that purpose we be given complete access to all records, files, and documents supporting reported expenditures. See pp. 78-79 of the enclosed report.

With respect to specific provisions of the bill, we offer the following comments.

Section 2(1) would limit nonreimbursable assistance to the Secret Service by Federal departments and agencies to "a period not to exceed two weeks at any one location in any one year." We suggest that the bill specify whether "one year" means a calendar year, a fiscal year, or any twelve-month period. Also, it is not clear whether the two-week limit at any one location applies separately to each person entitled to protection under 18 U.S.C. 3056 or under the act of June 6, 1968, nor whether a "location" is a city or a residence. These questions might arise if, for example, there were visits in the same year to the same city by various candidates for President and Vice President as well as by the incumbent President and Vice President.

Section 2(2) allows any person designated under 18 U.S.C. 3056 or under the act of June 6, 1968, to designate a non-Government property to be secured by the Secret Service. Since a President and his immediate family are entitled to protection under 18 U.S.C. 3056, a President, his wife, and each of his children could under the bill each designate a property not in Government ownership or control to be protected at public expense.

The language of section 2(2) should perhaps be modified with respect to reimbursement of certain costs where military equipment and men are used. Protection of the President may, for example, involve the use of Coast Guard vessels. It would not seem necessary or desirable that the Secret Service be required to reimburse the Coast Guard for crew and operating expenses, including deprecia-

tion, of the Coast Guard vessel. We take such a position on page 74 of the enclosed report.

One effect of section 2 is to take from the Secret Service a measure of its management discretion as to whether protection at a given location will be provided by use of permanently installed facilities or, as an alternative, by temporary facilities and added Secret Service manpower—a decision which normally would take into consideration security effectiveness and cost.

Also, under section 2, the Secret Service can call upon other departments and agencies, on a reimbursable basis, to do permanent work on private property which is to be protected. This authority is a continuation of present practice, which we consider reasonable, whereby the Secret Service has chosen to call on other agencies for such assistance, rather than developing the capability to do permanent work itself.

Section 6 provides for removal of security facilities upon termination of protective responsibility unless removal is "economically unfeasible." Because some security facilities can detract from the value of the property in the eyes of the owner it would seem reasonable to make provision for removal at his request whether such removal is economically feasible or not.

Sincerely yours,

R. F. KELLER,

Acting Comptroller General of the United States.

Enclosure.

UNITED STATES OF AMERICA,
GENERAL SERVICES ADMINISTRATION,
Washington, D.C., August 21, 1974.

HON. PETER W. RODINO, JR.,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in reply to your letter of January 28, 1974, requesting an expression of the views of the General Services Administration on H.R. 11499, a bill "To establish procedures and regulations for certain protective services provided by the United States Secret Service."

The bill would repeal section 2 of the Act of June 6, 1968 (Public Law 90-331; 82 Stat. 170) which requires all Federal agencies to assist the Secret Service in the performance of its protective duties under section 3056 of title 18 of the United States Code. Insofar as we are aware, section 2 has not been interpreted to require the Secret Service to reimburse or transfer to agencies the cost of rendering such assistance. H.R. 11499, if enacted, would continue to permit other Federal agencies to assist the Secret Service but, except in temporary assistance, only upon reimbursement of actual costs.

In addition to the above, the bill proposes with one exception to limit the Secret Service to providing full security at Government expense at no more than one property not in Government control as may be designated by the person entitled to protection. The exception stated in paragraph (3) of section 2 apparently is intended to limit expenditures on other private property to an amount which cumulatively does not exceed \$5,000.

The primary responsibility for the protection of the President and others designated by law as requiring personal protection rests with the Secret Service. It has long been recognized, however, that the proper fulfillment of such responsibilities often requires the support and cooperation of other Federal agencies. The purpose of Public Law 90-331 was to eliminate any doubt as to the legal basis for such assistance and to assure that the Secret Service would be dominant in directing all protective functions.

GSA has no objection to assisting the Secret Service on a reimbursable basis as H.R. 11499 provides, but in view of the above defers to the Secret Service and to the Congress as to whether the bill is the proper vehicle for accomplishing this objective, and as to the merits of other provisions of the bill which relate directly to the protective functions of the Secret Service.

However, to be as helpful as possible to the Committee, we offer the following suggestions for amendments which we believe, if adopted, would improve the bill.

Paragraphs (2) and (3) in section 2 provide that security at full Government expense be on private property at no more than one location designated by the

person to be protected; and with respect to other locations involving private property the Government's obligation would be limited to \$5,000. However, the \$5,000 limitation appears to apply only to reimbursable work and not to work performed by contract. If paragraph (3) is to remain in the bill, we recommend that it be clarified in this report.

Since purchases and contracts for the protection functions of the Secret Service are already subject to the Federal Property and Administrative Services Act of 1949, as amended, we suggest that section 4 be deleted as unnecessary. Section 5 also is unnecessary as we do not believe that existing law permits a Federal official to delegate his contracting authority to one who is not a Federal employee.

We suggest that section 6 either be deleted or alternatively be amended to reflect the current law with respect to disposal of improvements and other items acquired for security purposes. Section 6 as presently drafted infers that such property shall remain the property of the Federal government under circumstances where removal is economically unfeasible which we do not believe is intended. The section also does not provide for restoration of property to the condition which existed prior to the making of the improvement when and if the improvement is removed. In a memorandum of November 21, 1973, prepared within the Department of Justice, concerning title to improvements made on private property for security purposes, it was concluded that if items placed on the property are removed, the Federal government is under a duty to return the premises to the owner in as good a condition as when the alterations were made. Accordingly, we recommend that upon termination of the responsibility to secure the property, or if such property is determined no longer needed for security purposes, the bill provide that the property be disposed of or transferred to another Federal agency in accordance with the Federal Property and Administrative Services Act of 1949, as amended.

Finally, we recommend that paragraph 8 be amended to require that federal agencies submit reports only on non-reimbursable expenditures. With respect to reimbursable expenditures, the Secret Service will have complete and detailed information making it unnecessary for other agencies to submit reports thereon.

Sincerely,

ALLAN G. KEMPIN.

U.S. SECRET SERVICE PROCEDURES AND REGULATIONS

THURSDAY, SEPTEMBER 12, 1974

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CLAIMS AND
GOVERNMENTAL RELATIONS OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met at 10:20 a.m., pursuant to notice, in room 2148, Rayburn House Office Building, Hon. Harold D. Donohue [chairman of the subcommittee] presiding.

Present: Representatives Donohue, Mann, Danielson, Butler, Froehlich, and Moorhead.

Also present: William P. Shattuck, counsel; and Alan F. Coffey, Jr., associate counsel.

Mr. DONOHUE. Will this meeting now come to order.

This morning we will begin our second day of hearings on the bill, H.R. 11499, which would establish procedures and regulations for certain protective services provided by the U.S. Secret Service.

The provisions of the bill would provide limitations and requirements for the implementation of the responsibility of the Secret Service under section 3056 of title 18, concerning protection of the President and other persons, and under section 1 of Public Law 90-331 concerning protection of major Presidential or Vice Presidential candidates.

Our first witness this morning will be Hon. Lilburn E. Boggs, Deputy Director of the Secret Service of the Department of the Treasury.

Mr. Boggs.

TESTIMONY OF LILBURN E. BOGGS, DEPUTY DIRECTOR, U.S. SECRET SERVICE, DEPARTMENT OF THE TREASURY; ACCOMPANIED BY FRANCIS A. LONG, ASSISTANT DIRECTOR FOR ADMINISTRATION

Mr. Boggs. Mr. Chairman, I would like to introduce Mr. Francis A. Long, our Assistant Director for Administration who is with me as the second witness.

Mr. DONOHUE. You do have a statement, do you not?

Mr. Boggs. Yes, Mr. Chairman. I do have a statement.

Mr. DONOHUE. You may proceed.

Mr. Boggs. Thank you.

At the beginning, I should tell you that the concerns that prompted the introduction of the bill before you today have already been the subject of a careful review by the House and Senate Subcommittees on Appropriations that have the responsibility for recommending funds for the operations of the Secret Service and for overseeing the expenditure of the amounts appropriated by the Congress. At the direction of the Subcommittees on Appropriations and with the assistance of their staffs, we have developed a comprehensive procedure for the acquisition of space, alterations, and services at locations involving protective operations.

With your permission, Mr. Chairman, I would like to submit copies of these procedures for the consideration of the members of the committee and for insertion into the record.

Mr. DONOHUE. Without objection, they will be made a part of the record.

[The documents referred to follow:]

REQUEST FOR SPACE, ALTERATIONS, EQUIPMENT AND SERVICES AT LOCATIONS INVOLVING PROTECTIVE OPERATIONS

A. GENERAL INFORMATION		PAGE NO. OF PAGES
NAME OF PROTEE	FINANCIAL CODE (FMS USE ONLY)	DATE OF REQUEST
NAME OF SITE LOCATION	<input type="checkbox"/> ORIGINAL REQUEST	FILE NO.
<input type="checkbox"/> GOV'T OWNED <input type="checkbox"/> PRIVATELY OWNED	<input type="checkbox"/> CONFIRMATION OF	620.0
<input type="checkbox"/> GOV'T LEASED <input type="checkbox"/> PRIVATELY LEASED		
GENERAL PROJECT TITLE		
SUMMARY OF PROPOSAL		
NAME OF REQUESTOR		OFFICE
CONTACT FOR ADDITIONAL INFORMATION	TELEPHONE NO.	REQUIRED COMPLETION DATE

B. SUMMARY JUSTIFICATION AND SPECIFICATIONS FOR PROJECT (CONTINUE ON PLAIN BOND PAPER)

TOTAL ESTIMATED COST	

C. PROPOSED RECOVERY OF EQUIPMENT AND/OR RESTORATION REQUIRED

TOTAL ESTIMATED COST	

D. CONCURRENCE OF PROTEE OR DESIGNEE (PRIVATELY OWNED/LEASED PROPERTY ONLY)

SIGNATURE	DATE
-----------	------

E. APPROVALS

OPERATIONAL		F. AVAILABILITY OF FUNDS CERTIFICATION	
SAIC (SIGNATURE)	DATE	(FMS USE ONLY)	
ADMINISTRATIVE			
AD-ADMINISTRATION (SIGNATURE)	DATE		
AGENCY			
DEPUTY DIRECTOR (SIGNATURE)	DATE		

UNITED STATES SECRET SERVICE

ADMINISTRATIVE OPERATIONS

GSP 1011 (22-74)

DEPARTMENT OF THE TREASURY,
U.S. SECRET SERVICE,
Washington, D.C., February 22, 1974.

MEMORANDUM

To: Deputy Director, Assistant Directors, Assistants to the Director, Legal Counsel, all SAIC's and Division Chiefs.

From: Director.

Subject: Procedure for the acquisition of space, alterations, and services at locations involving protective operations.

Attached are revised procedures covering the acquisition of space, alterations, and services at locations involving protective operations. These procedures are effective immediately.

As indicated in the procedures, all approved work will be monitored jointly by the Office of Administration and the operational office involved. Any necessary adjustments in the action requested will be conveyed to the initiating office through the appropriate Assistant Director for the operational office involved.

It is expected that these procedures will be strictly followed. Any deviations therefrom must have the express written approval of the Deputy Director.

Additional copies of SS Form No. 1911 may be obtained from the Administrative Operations Division in the usual manner.

Attachment.

H. S. KNIGHT.

PROCEDURES FOR THE ACQUISITION OF SPACE, ALTERATIONS, AND SERVICES AT
LOCATIONS INVOLVING PROTECTIVE OPERATIONS

1. *Purpose.*—The purpose of these procedures is to establish a uniform method in the Secret Service for the acquisition of space, alterations, and other services at locations involving protective operations.

2. *Scope.*—These procedures are applicable to all Secret Service Offices, Divisions, Details, or other groups who have been assigned the duty to provide protection to persons, places, or things. Included in this coverage are operations at both Government-owned and Government-leased sites and property, as well as privately-owned or leased sites and property.

3. *General coverage.*—These procedures cover all work performed or to be performed, together with any related expenditures for all space, alterations, services, equipment, furniture, and all other items of tangible property which are furnished, installed, constructed, repaired, or altered by or at the request of the United States Secret Service, including those items that are physically attached or made a permanent part of any structure, property, site, or other physical entity.

4. *Survey or requirements.*—The Secret Service will conduct its usual survey to determine what measures are necessary to provide the desired level of protection.

5. *Request for authorization and performance.*—Requests for work or expenditures described in paragraph 3 above will be documented as indicated on SS Form No. 1911, including all pertinent justifications and specifications. The cost estimate will include information obtained from the General Services Administration, where appropriate. When required, use plain paper for continuation sheets. Requests will be deemed to include all necessary future replacements, maintenance, and repairs relating to the work or other items specifically requested.

6. *Proposed recovery of equipment and/or restoration required.*—Items of equipment that the Secret Service proposes to recover at the termination of the mission will be clearly spelled out on SS Form 1911, together with any restorations that appear to be required. It should be understood that in some instances, it may not be practical or economically feasible at some future date to recover items and make restorations as contemplated at the time the work was originally performed.

7. *Concurrence of protectee or his designee when either privately owned or leased property is involved.*—Prior to the commencement of any work on privately-owned or privately-leased property, the concurrence for such work that is required to be performed will be obtained by the requesting office from the

protectee or his designated representative. When representatives are designated to act for protectees, such authorizations shall be obtained in writing from the particular protectee involved. Such concurrence shall not be considered as agreement by the protectee to the proposed recovery on restoration proposed in the request.

8. *Processing of SS Form No. 1911. Request for Space, Alterations, Equipment, and Services at Locations Involving Protective Operations.*—SS Form No. 1911 will be initiated by the appropriate Special Agent in Charge or Assistant Director involved. Cost estimates will be determined by the requesting office in conjunction with the Administrative Operations Division in the Office of Administration. Any cost information required from the General Services Administration will be obtained by the Administrative Operations Division, which will also serve as the contacting office with that agency. After the requisite approvals and certifications as to the availability of funds has been obtained, the Administrative Operations Division will issue the appropriate job orders, purchase orders, or contracts, as the case may be. The performance of any work required will be monitored jointly by the Administrative Operations Division and the appropriate Special Agent in Charge or Assistant Director involved.

9. *Emergency procedures.*—When an emergency arises and time does not permit the processing of SS Form No. 1911 in the usual manner, all requests, concurrences, and approvals required by these procedures may be processed orally. Any such emergency oral actions shall be confirmed by the submission of SS Form No. 1911 with a check mark in the "Confirmation" block as soon as possible thereafter, preferably within 24 hours.

10. *Accounting and reporting.*—Costs will be accumulated for each location indicating whether the property is Government-owned or leased or privately-owned or leased. Any reports or notices required by law pertaining to the activities covered by these procedures will have the concurrence of the agencies involved, i.e., Secret Service and the General Services Administration.

Effective July 1, 1974, all costs incurred under these procedures will be funded from the appropriation of the United States Secret Service. Appropriate reports of the activities performed and the costs incurred under these procedures will be made to the Appropriations Committees of the Congress.

11. *Effective date.*—The requirements spelled out in these procedures are effective immediately. The Director's memorandum of October 15, 1973, subject "Space for Protectees," File No. 530.0 (x 610.0) is hereby rescinded.

H. S. KNIGHT.

Mr. Boggs. In reviewing the procedures, you will note that they are all encompassing, and include operations at both privately owned or leased sites and property as well as government-owned or leased sites and property. In addition to meeting the concerns of the House and Senate Subcommittees on Appropriations, they take into account and implement the recommendations of the Comptroller General in his report to the Congress entitled "Protection of the President at Key Biscayne and San Clemente—With Information on Protection of Past Presidents," B-155950.

A comparison of the procedures with H.R. 11499 indicates that sections 4 and 5 are covered under existing statutes, and that the provisions of section 6 have already been included in our recently promulgated procedures. The sections of the bill not addressed by our procedures are those that would hamper Secret Service operations by placing limitations on the duration of time that protection could be provided without reimbursement and the amount of funds that could be expended, the restriction of permanent protection to one location, and for all practical purposes, the elimination of the assistance provided to the Secret Service by other agencies without reimbursement. In our view, all of these latter items are of grave concern to us in that they will either seriously impede the level of protection that we can provide, or result in some instances in a greater expenditure of funds than would otherwise be the case, and cause serious problems for the Secret

Service in predicting budgetary requirements. In this regard, the repeal of section 2 of the Act of June 6, 1968, Public Law 90-331, is of particular concern to us. The matter of reimbursement for services and the overall accountability for protective services is going to be studied in the executive office. For the immediate future, we strongly recommend against a change in the status quo.

With the indulgence of the committee, it might be appropriate at this point to review the evolution of the assistance provided by other agencies to the Service in carrying out its protective responsibilities.

As you know, the operations of the Secret Service were carefully reviewed by the President's Commission on the Assassination of President Kennedy, better known as the Warren Commission. In its report, the Commission made substantial recommendations relative to the level of protection being afforded the President. The Commission also mentioned, among other things, that the protection of the President is in a real sense a governmentwide responsibility which must necessarily be assumed by various government agencies. The Commission further stated that "Protecting the President is a difficult and complex task which requires full use of the best resources of many parts of our Government. Recognition that the responsibility must be shared increases the likelihood that it will be met."

Subsequent to the Commission report, the Secret Service made arrangements with various government agencies for their specialized support as the need arose without any provision for reimbursement. These informal arrangements were the basis for the express statutory authority contained in section 2 of Public Law 90-331. In its report on the bill the Senate Committee on Appropriations stated:

The proposed language will provide specific authorization of a long-established practice of utilizing other Federal departments in the protective assignments. This assistance may include, but is not limited, to the provision of personnel and facilities for intelligence gathering, medical, transportation, and communications purposes. It eliminates any doubt of the legal basis for such practice and assures Treasury direction of the protective functions.

When the conference report on the bill, H.R. 16488 was called up before the House, the following statements were made:

Last week, we gave support to the President's emergency action. A resolution (H.J. 1292) was adopted by both Houses—and signed by the President on the same day—to provide authority for the safeguarding of presidential candidates. We also wrote into permanent law the right of the Secret Service to call upon the personnel and facilities of all government agencies to assist in the protection of our Presidents and presidential candidates. While this had long been the custom, there had been no statutory authority for this action.

Our attention has also been focused once again on the need for other Federal departments and agencies to assist the Secret Service in its protective functions. This need was stressed vigorously by the Warren Commission. As the number of persons subject to Secret Service protection and the amount of their travel has increased over the years, these protective functions have become a governmentwide responsibility.

The task of protecting our Presidents involves far more than the availability of trained agents. It requires the coordination of all law enforcement agencies for intelligence gathering, the availability of safe transportation facilities and adequate communications to reach remote areas, health and scientific expertise to test food and drinking water, and many other governmental resources. We must never permit the safety of our Presidents—present, past, or future—to be compromised because the resources of the Government were not made available to the fullest extent possible to insure their protection.

It is clear to us from the legislative history of Public Law 90-331 that the Congress has not intended that the Secret Service shoulder the entire Federal financial burden of protective activities and that section 2 of Public Law 90-331 was simply intended to put a congressional stamp of approval on the existing practice of Federal agencies providing assistance to the Secret Service in connection with its protective functions without any requirements for reimbursement.

In this respect, we believe the Congress, in its wisdom recognized that it would be totally impractical for the Secret Service to accurately project for budgetary purposes the variety of specialized needs which could occur in the total protection environment. Inasmuch as our requests for support are made to a number of different agencies, the budgetary impact on any one particular agency is minimized. However, we recognize that some years have passed since Congress spoke to this issue; and for that reason, the matter will be studied.

The repeal of section 2 of Public Law 90-331, at this time, would raise a whole host of issues without providing any resolutions. For instance, would the Secret Service be required to reimburse the Department of Defense for the purchase, maintenance, operational cost, and security of planes utilized by protectees, as well as the salaries of the crews and other support personnel involved, the use of the worldwide communications networks, and the utilization of ordnance bomb disposal and other specialized personnel.

Along these lines, I should point out that under the provisions of the Public Buildings Act Amendment of 1972, the Secret Service currently is required to budget and account for all expenditures made for alterations and the installation of security equipment at both privately owned or leased property and Government-owned or leased property.

In view of the above, we strongly urge that section 2 of Public Law 90-331 not be repealed as provided by section 9 of the bill before you, and that the current arrangements for assistance from other agencies which have proved so satisfactory in the past not be disturbed for the time being.

In the event this committee and the Congress retain the provisions of section 2 of Public Law 90-331, then the provisions of section 2(1) of H.R. 11499 become moot.

With respect to section 2(2) and 2(3) of the bill, past history indicates that in recent years most Presidents have utilized more than one residence not in Government ownership or control. Aside from the question of whether or not it is desirable to place such restrictions on the residences of the President and others who are provided Secret Service protection, and perhaps financial hardships as well in the event they choose or are forced to move, the \$5,000 limitation in section 2(3) of the bill on the amount that could be spent on a second residence could conceivably result in additional overall protection costs. This would almost be a certainty in view of section 3 which prohibits the maintenance of a permanent guard detail to secure a second residence.

The rationale for this conclusion is that, notwithstanding the above restrictions on the Secret Service, a President or other protectee may still choose to utilize a second residence. In this event, the Secret Serv-

ice would still be charged with providing the required protection. Due to the proposed limitation of \$5,000 and the prohibition on permanent guards, little could be done to permanently secure a second residence. In the absence of the residence being permanently secured, the Service would be forced to utilize additional personnel over and above the normal protective detail to do a complete inspection of the premises before they could be occupied. Depending on the frequency of use, the cost of the additional personnel involved together with their travel and per diem expenses plus the extra expense of transporting equipment, might well exceed what it would otherwise cost to secure the premises on a permanent basis in the absence of the proposed restrictions.

The requirement for reimbursement in section 2(2) raises additional questions. For instance, the fence installed around the Truman residence some years ago at a cost of a little over \$5,000 may well be worth as much as \$50,000 or more at today's fair market prices. Under such an assumption, the protectee or an estate would in some instances come under a severe financial strain upon termination of protection at a particular site should the requirement for reimbursement remain.

Section 7 of the bill is related to section 9 in that after a period of 2 weeks, any support received from other agencies would be subject to reimbursement from funds appropriated to the Secret Service. For the same reasons cited earlier with respect to section 9, the service urges that this provision not be adopted.

With respect to section 8, it should be noted that the Secret Service has been directed by the Subcommittees on Appropriations to submit quarterly reports of activities performed and the costs incurred to the Appropriations Committees of the Congress. I might add, that under existing law, all records and accounts of expenditures are subject to audit by the General Accounting Office.

In summary, Mr. Chairman, we believed that the procedures already established at the direction of the Subcommittees on Appropriations are adequate to meet the concerns of the Congress with respect to our protective operations, and we recommend that action on any legislation on this subject be deferred.

Mr. Chairman, this concludes my remarks, and I shall now be glad to answer any questions you or the other members of the committee may have.

Mr. DONOHUE. Mr. Butler.

Mr. BUTLER. Mr. Chairman, I will reserve my questions until a later time.

Mr. DONOHUE. Mr. Mann.

Mr. MANN. I recognize that you have not tried to solve the accounting problem that Congress would have by having each agency that eventually becomes involved in the protection of the President itemize the cost that it will incur in connection with the protection of the President. So, we are going to be wandering along in the dark to a degree as far as the cost is concerned and that is what H.R. 11499 is designed to prevent. Do you think there can be a budgetary prediction made by the Department of Defense or other departments for the purpose of getting some figure for the cost of this service?

Mr. BOGGS. Well, I would say in any budgetary process, Mr. Congressman, we all work along the same lines as far as projecting is con-

cerned this years estimates are based on last year costs. But, the expenditures and activities in the area of our protective mission are somewhat unpredictable. It is not predictable because the number of protectees each year changes, it has been escalating. We cannot predict their travel accurately, although in our budget process we do this to the best of our ability relative to our permanent protectees.

I would ask Mr. Long if he has any additional comments?

Mr. MANN. How about a reporting procedure that would bring all of this together in one place perhaps at the end of the fiscal year?

Mr. LONG. That, I suppose, could be accomplished, Mr. Congressman. Various agencies that we ask for support could be required to report the amounts of money they expended in providing assistance to us. I have some doubts in my own mind that that would be desirable for the simple reason it gives away the level of support and, in my judgment, somewhat compromises the security.

Mr. MANN. Well, I can see where the prediction of costs would be difficult because of the changing number of protectees recently, and hopefully that will stabilize. So, I will not comment on your concern about the level of security that is maintained. I do not know that the revelation of the dollar amounts and the general purposes will be particularly enlightening.

Mr. BOGGS. Mr. Chairman, Congressman, I do not recall speaking about the dollar amounts on a restriction of expenditures that we might feel were necessary for protective techniques and procedures. The amount that could be expended might impede the level of protection, and by that I mean we are going to maintain the highest level of protection possible. But, when you use manpower, that is one capability. When you use a combination of manpower and highly developed equipment, that obviously enhances your protective capability.

Mr. MANN. Yes.

Mr. BOGGS. And the absence of being able to utilize the equipment which, you might use on some permanent basis or permanent installation, changes the environment.

Mr. MANN. Yes. Well, one of my concerns is that in exercising the power of the purse, the Congress has not done the greatest job in the world, and it is unsettling to know that we have got all of these funds floating around in different agencies that can be utilized without any sort of Congressional approval. That is my concern. Thank you very much.

Mr. DONOHUE. Mr. Froehlich?

Mr. FROEHLICH. You make the decision as to the level and the amount of security that is necessary; is that right?

Mr. BOGGS. Yes, sir.

Mr. FROEHLICH. And request it from all of the other agencies?

Mr. BOGGS. Yes, sir.

Mr. FROEHLICH. So you are really making the determination as to what the costs are going to be?

Mr. BOGGS. We make a determination of the need. I cannot say we are making a determination of what the cost is, because we do not necessarily know what the cost is to the other agencies.

Mr. FROEHLICH. Do you not think that the agencies of Government should be responsible in reporting to the Congress as to what they are spending?

Mr. BOGGS. Yes, sir.

Mr. FROEHLICH. Then do we not need a way to charge your agency with a security cost? I mean, perhaps the American people do not want to pay the bills that you fellows think are necessary to protect the President.

Mr. BOGGS. Well, you see, I cannot comment on that attitude. I am sure that judgment enters into it and we can make judgment errors on needs just as readily as anyone else. In other words, we feel something is a need and somebody else can say they do not see it that way. But, on the other hand, we have the protective mission. We feel we more or less have the expertise in this field concerning the needs as we see them.

Mr. FROEHLICH. How much do you limit the movement of the President when you protect him?

Mr. BOGGS. We do not.

Mr. FROEHLICH. Not at all?

Mr. BOGGS. No, sir, except under a very extreme condition when we have some very hard intelligence that indicates a dangerous condition, then we would make a very strong recommendation that he not go there, or he not do this. But the ultimate decision is his.

Mr. FROEHLICH. Let me ask you a question, going back to ancient history that I do not have the answer to. Maybe someone has already explained it, but I understand the Secret Service installed the taping machines in the White House?

Mr. BOGGS. Yes, sir.

Mr. FROEHLICH. Now, whose equipment was that?

Mr. BOGGS. That was our equipment.

Mr. FROEHLICH. Was your equipment?

Mr. BOGGS. Yes, sir.

Mr. FROEHLICH. Did that get charged to security?

Mr. BOGGS. I could not tell you what the accountability on it was.

Mr. FROEHLICH. Who furnished the tapes? The Secret Service, as I understand, changed the tapes.

Mr. BOGGS. Yes, sir. To the best of my knowledge, we furnished tapes.

Mr. FROEHLICH. You furnished the tapes, too? Well, you know, the question is, how much stuff are you doing that is not security in its nature?

Mr. BOGGS. If you are speaking about that, that is the only instance which I can recall where you can say it is not security. It was not security. Our total mission in the protective field is directed toward the security needs and not any collateral duties.

Mr. FROEHLICH. But in this case this was the only—you would not consider that security, would you?

Mr. BOGGS. I could not.

Mr. FROEHLICH. But this was something collateral that someone requested, and you fulfilled the need?

Mr. BOGGS. Yes, sir.

Mr. FROEHLICH. But this is the only instance you know of?

Mr. BOGGS. To the best of my knowledge; yes, sir.

Mr. FROEHLICH. Since you say you do not restrict, is there any way we can restrict the President from having two and three privately owned residences that he is going to be spending a lot of time at, or do we do that through the political process?

Mr. BOGGS. There is no way we can restrict it is the only answer I can offer here. We do not restrict it, you know. The law authorizes us to protect the President. Now, by that, it does not direct us to—it authorizes. The President has the ultimate choice of where he is going and what he is going to do, and in the protective environment, all we can do is, under certain conditions——

Mr. FROELICH. Do you make some determination with the President as to the amount of time he is going to spend at a particular residence?

Mr. BOGGS. No, sir.

Mr. FROELICH. Do you know in advance? How did you decide to move into Key Biscayne and San Clemente and spend the money you did?

Mr. BOGGS. I am sorry. I will retract that to the extent that we are notified by the President that he is going to go somewhere. Yes, we make the necessary arrangements. If it is a trip——

Mr. FROELICH. But sometime you have to make a determination whether you are going to install something permanently or whether you are going to do it to a lesser extent?

Mr. BOGGS. Yes, sir. But, if we are talking about an instance where the President or a protectee has a known residence outside of the White House, and it is known that he will vacation there or visit there frequently on a continuing basis——

Mr. FROELICH. What arrangements do you have with Mr. Rockefeller now who, I understand, has four or five residences around the world?

Mr. BOGGS. Mr. Rockefeller now is only a designee, and therefore, we have only a temporary detail assigned to him and the protective details that we are using are what we call a trip package mode. In other words, we would use this on this protectee or any other that was going to the Hilton Hotel in Chicago or visiting a friend.

Mr. FROELICH. So you have a temporary detail in Maine, for instance?

Mr. BOGGS. Yes.

Mr. FROELICH. What about if he goes to Venezuela?

Mr. BOGGS. We still travel with him, sir.

Mr. FROELICH. And that is temporary, too?

Mr. BOGGS. Right.

Mr. FROELICH. What if he decides to spend a month a year down there?

Mr. BOGGS. Again, in that instance, we would have to make a decision on whether to provide a better protective environment. Then, if it were more economically feasible to make certain permanent installations, those which could be recoverable after the termination of their use, or whether we would handle it on a trip package posture.

Mr. FROELICH. I understand under the new rules you have got now you are facing those questions which you probably did not face before because of what has gone on in the last administration. Is that right?

Mr. BOGGS. Well, not necessarily in that sense, Mr. Congressman. When we make a request we base it on a security need, and this does not mean that cost does not change regardless of what went on in the past or will go on in the future.

Mr. FROEHLICH. Do you not really have a blank check? Are you not in the status right now of saying you know, the need, based upon our judgment as being the final authority, and that everyone then has to meet our determination of need? Regardless of cost?

Mr. BOGGS. Any request made is certainly carefully reviewed, and the fiscal responsibility is there. We are not going to meet, we hope unwarranted or needless requests on installations or utilization of manpower and equipment.

Mr. FROEHLICH. But if we made you totally accountable for every dollar spent in your budget for protecting the President, if you had to pay the Department of Defense back for all of the things in your example you requested, you stated, and I do not recall what page this was on, but you listed a lot of examples of, you know, what you would really have to account for, what you would really have to pay out of your budget, and it should not be impossible to know, or to work out now for our purposes, but if they made you accountable for every one of those different charges, perhaps we could limit the President on the way he runs around the country, or might want to run around the country because he has got to then be accountable to the American people for the amount that is being spent on him for protective services. I mean, should not the White House and Camp David be enough where you can go away and relax and rest? I mean, these are provided for by the public. Should not that really be enough? This bill goes further and says you can go to one other place, wherever you want in the country and we will protect it fully. But, after that, should he not be cost conscious?

Mr. BOGGS. Sir, I am not in a position to answer that. We go where he goes and we provide a secure environment where he is. And, if you are saying, can you, the Congress, by virtue of legislation, control these activities, I am not competent to answer that.

Mr. FROEHLICH. When it is costing the American people big tax dollars, it seems to me that there should be an accountability and a concern by the Congress and the Executive, and there is no accountability if the costs are buried in the various budgets of various agencies. I agree in the protection and in doing the job they should all contribute, but it seems to me we have to know the cost of what that protection is, and that sometime along the line you balance the risk against the cost. And we are not able to make that judgment now.

Mr. BOGGS. No. When you say balance the risk against the cost, how much is a man's life worth?

Mr. FROEHLICH. That is the problem.

Mr. LONG. That is a judgmental factor, I might add, Mr. Congressman. I am sure you can appreciate that, unfortunately, in this day and age the potential is escalating very rapidly in this country for harm to the protectees. And, it is much greater today than it has ever been before.

Mr. FROEHLICH. But how many Presidents have been poisoned?

Mr. LONG. Fortunately, none, but due to some of the actions we take.

Mr. BOGGS. We hope.

Mr. LONG. But, it is unfortunately true that the last two Presidential campaigns have been marred by either an assassination or an assassination attempt.

Mr. FROEHLICH. OK now, how many times have you found poisonous food going to the President?

Mr. LONG. That is unfortunately one of the things which cannot be quantified. You know, how successful is your protection?

Mr. FROEHLICH. If I read the committee report, in the committee report that gave you the authority it said that health and scientific expertise to test the food and drinking water is important. Now, if in fact you have got the charge of protecting the President, and one of your charges is that you test the food and the water for poison, how many times have you found it? You know, how much money are we spending testing food and water, and what has the result been?

Mr. BOGGS. I think there has been very little money spent testing food and water. But, if it comes to our techniques and what we do, we will be glad to discuss it with you in executive session. However, I do not want to get into protective techniques in an open hearing. All I can say is to the best of my knowledge we have not found any poison. But, is this a result of the fact that we are there and someone who might make the attempt knows we are there and would prevent him from doing it, or is it just that it has never happened?

Mr. FROEHLICH. I have no other questions.

Mr. DONOHUE. Mr. Butler?

Mr. BUTLER. I want to follow up on the questions you had with reference to Governor Rockefeller. What is your discretion with regard to the protectees of a Vice President designate's family?

Mr. BOGGS. We have now in our appropriation language, authority to protect the Vice President's family.

Mr. BUTLER. Well now, this Vice President has got stepchildren that you are also protecting?

Mr. BOGGS. What we are getting down to again is the definition of immediate family, Mr. Congressman, the answer to which we do not have. We have done research, and we have gone back and forth on who is an immediate family. And, the Vice President or any protectee has the privilege, if you will, to decline protection for certain members of their family. In this regard we have addressed this question, as a result of the current designee, going back and researching it. There is no highly definitive definition or description of an immediate family. I can go back to President Roosevelt and say that it went to his grandchildren who were protected and also President Eisenhower's grandchildren received protection.

Mr. BUTLER. You have interpreted immediate family to include the stepchildren of the designee?

Mr. BOGGS. We have not determined that now.

Mr. BUTLER. You have not?

Mr. BOGGS. We have not determined that to be a fact. We have found no definition of immediate family except in the Rental Act, the Rental Agency Act, which, of course, is addressing itself to another subject.

Mr. BUTLER. I am not real critical, I am just curious. I just understood from newspaper reports that you are protecting the stepchildren of the designee.

Mr. BOGGS. We are not, sir. We are not even protecting his children at this point in time. At the present time it is the designee only.

Mr. BUTLER. What you are telling me is that the press is not accurate, and I certainly cannot believe that.

Mr. BOGGS. I am sorry, sir. You can believe me or the press. We are not protecting Nelson Rockefeller's children at this time because our authority does not extend to them. We are protecting him as a designee. If he is confirmed, then the language and authority we have will cover immediate family of the Vice President. We do not have a clear definition of what an immediate family is, but historically I can go back, as I say, to President Roosevelt and it went as far as his grandchildren. He said these are members of my immediate family and I want them protected. Again in the instance of President Eisenhower, his grandchildren also. In the instance of John Eisenhower, who is the son of a President, is more a member of the immediate family. He was in the military and we did not protect him.

Mr. BUTLER. No further questions.

Mr. DONOHUE. Mr. Danielson?

Mr. DANIELSON. I have been in another meeting so I have missed the earlier portion of the testimony, though I happily have it before me in writing and I will read it.

I just want to state my own position on this. I support very strongly the general purposes of Mr. Brooks' bill. It is my belief that we should provide all reasonable security against any type of foreseeable hazard to the persons whom we are assuming the obligation to protect. But, beyond security I do not favor anything else that would enhance the value of the protected person's properties, other than as is incidental to providing the security. I think it is what we have to guard against. I think it is perfectly reasonable to limit the number of premises which are going to be improved, shall I say, or at least provided with security.

And the statement I first heard as I walked in the door was well, the question is how much is a man's life worth. I do not think that is the question at all. On that basis you have an open-ended authorization because obviously there is no value on somebody's life. I say reasonable, the measure, the issue to provide security against foreseeable hazards, that is the guideline that I am going to follow.

Mr. BOGGS. Sir, may I respond to that and say that is the way we look at it too, to provide the most secure environment.

Mr. DANIELSON. And it is not a question of what is a person's life worth. I have tried quite a few lawsuits in my time and that canard comes up for a cooking about every time you have a personal injury.

Mr. BOGGS. I made that comment, Mr. Congressman, only if somebody says, you can only spend so much to protect somebody. Now, that dollar limitation may limit the environment we can provide, how secure can it be if we can only spend so much?

Mr. DANIELSON. We are all aware of the fact that none of these authorizations and none of these appropriations is permanent, and people come before us each year for changes in the authorization. They come before the Appropriations Committees for changes in the amounts. And what we have to do is just act reasonably here and provide an adequate amount.

In addition to your responsibility of providing protection, it is also your responsibility to come before us with hard figures which can be justified, pointing out what the costs are going to be, and then that shifts the burden to your shoulders to act responsibly in responding to those requests. And I am sure you will do that.

Mr. BOGGS. I think we do that, as far as our budget is concerned on an annual basis, Mr. Congressman.

Mr. DONOHUE. Mr. Moorhead?

Mr. MOORHEAD. I think we have to balance the needs against the costs so that we are not totally trying to do away with any loss of esthetic values on properties, and doing away with all inconveniences with the use of vast amounts of money when we can provide the same protection with a whole lot less funds. I think that is the thing that has the American people concerned, that we have been going in to President Johnson's properties, and President Nixon's during their time and spending vast amounts of money on gardening equipment and materials and things of that sort, and putting in certain kinds of swimming pools.

Mr. BOGGS. We did not put any swimming pools in, Mr. Congressman.

Mr. MOORHEAD. Well, things that were done around the pool that were costly, according to the report. And I think there has to be some balance brought into this. The damage to the Presidency by these vast expenditures and the number of places that have been protected is greater perhaps than the danger to their lives that have been protected against. And I think we are going to have to do something about that. And I really feel that the Congress should have a control of some sort on the amount of moneys that are being spent. And I think you can justify to us the actual hazards that are present. But, I think there has perhaps to be a little cooperation with the executive officers that are being protected, and maybe they have to have a little inconvenience here and there balanced against the dollar costs.

Mr. BOGGS. Well, as I responded earlier, we have no control on where they go or what they could do. Our mission is the protection of individuals, and where they go we go. Now, as far as the control of which you are speaking, of course, that is out of our area.

Mr. LONG. I might say, Mr. Congressman, these procedures that we have provided at the instigation of our Appropriations Committees are very comprehensive and very detailed. They are available to the Appropriations Committees. They are available to the Members of Congress and to the General Accounting Office. They account for everything we do at any protective site, whether it is Government-owned or privately owned. And I am sure, that I feel reasonably confident in my own mind at least, that these kinds of procedures will meet the concerns of the Congress.

Mr. MOORHEAD. You know, we have a question here though. Assume that there are three places away from Washington, D.C. where the President either owns or frequents on occasion. Perhaps one of them he would only be spending one or two weeks a year. Could you not provide a lot of the protection that you give by permanent installations by perhaps a few extra men for a weekend, or for a week that he might be there, even though perhaps your men were a little bit more in the way than the permanent equipment might be, and then perhaps cut the cost down?

Mr. LONG. That is certainly taken into account, the experience of the frequency of visits at other places. And, we would not make a permanent installation in a second residence unless there was some

indication that it was going to be visited frequently, and that in the long run it would be cheaper for us to make a permanent installation as opposed to going in on a temporary basis.

Mr. MOORHEAD. I think one other thing that concerns me and many of my constituents is that the amount of protection that is given to people that have left office quite often seems extensive, and the costs constantly are mounting. For instance, with Agnew, and even now President Nixon.

Mr. LONG. Of course, you know, the costs are going to escalate, Mr. Congressman, due to a number of factors. One is obviously the inflation factor. To compare costs today of protection to costs 5 or 6 years ago is like comparing apples and oranges, really, for a number of reasons. One is the inflation factor and another is the kind of things that are available to us today in the area of protection that were not available to us before. Now, we feel that we cannot afford not to use the various kinds of devices and equipment that are available to us, even though obviously the cost is greater. Because, at some point in time, conceivably, we could be criticized for not providing the desired level of protection, if we failed to utilize the latest techniques and equipment that were available to us.

Mr. MOORHEAD. If Congress would make a limit on the amount of money which could be spent, then you would not be criticized.

Mr. LONG. No, sir, and in the event of any untoward incident the Congress as well as us might be criticized.

Mr. MOORHEAD. That is probably true. It is probably true, and it requires some kind of a balance some place, and you have got to make some of these decisions even though you may be criticized.

Mr. LONG. Yes, sir.

Mr. BOGGS. I would like to expand a little bit. It goes back to the question that I was asked earlier, about the cooperation between the protectee and our Service. In this instance, yes, we try to solicit the protectee. Say he has three homes, for instance, Mr. Rockefeller, we would say which ones, are you going to use? And, are you going to use this one frequently and this one infrequently? Based on this, cooperation and information we solicit and obtain, decisions are made regarding a permanent installation. I will give you an example. Seal Harbor. Mr. Rockefeller is indicating that it is just a summer place and they would only visit there maybe once a year for a vacation, and in this instance, I do not think it would warrant a permanent installation of any kind, and we would carry that as in a trip package posture.

Mr. MOORHEAD. What about Vail?

Mr. BOGGS. Well, if he keeps on renting it out, and he is not going to be using it, there is not too much that we can do at Vail. The determination has not yet been made. As with the new President, we are still feeling our way regarding the family and so forth.

Mr. MOORHEAD. Am I correct in assuming though that your testimony is that you do not want any limitations by Congress on the amount that you can expend and that you want to basically be able to make the determinations of what you think is necessary, or best, or would do some good, or add a little bit extra protection?

Mr. BOGGS. Congress always has the authority to limit, sir. When we go before our Appropriations Committee we present a budget

which we have to justify and if we do not justify it, they are going to cut it. If we do justify it in good, solid terms, then they will appropriate the funds. But they do have that control. They have controlled us every year. They have that control on how much money we can have, based on what justification we provide.

Mr. MOORHEAD. I have no further questions.

Mr. FROELICH. Mr. Chairman?

Mr. BROOKS. Mr. Chairman, could I make an observation?

Mr. DONOHUE. You have commented upon not approving certain portions in H.R. 11499. Now, what part of H.R. 11499 do you agree to or do you approve of?

Mr. Boggs. Well, I am afraid we have been opposing most of it, Mr. Chairman.

Mr. DONOHUE. Well take it section-by-section.

Mr. Boggs. In the instance of two of the sections——

Mr. DONOHUE. How about section 1?

Mr. Boggs. On 4 and 5—well section 1 again goes back to section 9.

Mr. DONOHUE. Well now, section 1 provides that the act may be designated as the Presidential Protection and Assistance Act of 1973. You have no objection to that?

Mr. Boggs. No, sir.

Mr. DONOHUE. Well, let us go on to section 2. This section provides that Federal departments and agencies in assisting the Secret Service in performing its duties in connection with the protection of the President and others under section 3056 of title 18 and in connection with the protection of major Presidential or Vice Presidential candidates under section 1 of Public Law 90-331 shall provide as follows. You go along with that, do you not? Subsection (1) is personnel, equipment or facilities without reimbursement, on a temporary basis for a period not to exceed two weeks at any one location in any 1 year.

Mr. Boggs. That again I say, sir, goes back to section 9. If Public Law 90-331 is repealed, then that is in force, and if it is not repealed, again the question is moot.

Personally, and I speak only for myself, it is not too clear, Mr. Chairman, Mr. Brooks, the actual implementation of that section when we say a temporary basis not to exceed 2 weeks at any one location in any 1 year. The protectee, if the protectee went to one place, Chicago, and spent 2 weeks there, now, you are saying if he went back a second time in that same year, the first 2 weeks would be reimbursable and the second 2 weeks would not, as I understand it. Is that correct?

Mr. BROOKS. Mr. Chairman, would you allow me to respond?

Basically I have recommended to the committee that they strike that provision and end with the period at on a temporary basis, period. And for the period not to exceed 2 weeks in any one location, to just eliminate that, because we do have some faith in you, Mr. Boggs.

Mr. Boggs. Thank you, sir.

Mr. DONOHUE. What about subsection (2) of section 2:

Upon advance written request of the Director of the United States Secret Service or his authorized representative and conditioned upon reimbursement by the United States Secret Service of actual costs, the facilities, equipment and services required by the United States Secret Service to secure no more

than one property not in government ownership or control, when the property has been designated by any President, president elect, former President or any other person entitled to protection under the above provisions of law, as the one property to be secured under this paragraph.

What about that section?

Mr. Boggs. Well in that section, sir, we are saying limits again. We are talking about the one residence capability where we could make any permanent installation. That section then goes to section 3, any second residence. Again, we have no control whether he visits one residence or two or three residences. And going back to the other comment, depending upon the frequency of the visit and the length of the visit should be the determination of the expenditures made.

Mr. DONOHUE. Suppose in your budget you did not have enough money to afford protection in more than one residence. What would be your situation then? Would you not tell the President or one of the other protectees that we do not have sufficient funds, we cannot afford to?

Mr. Boggs. Well, I am sure, Mr. Chairman, we could tell them that, but that may not preclude their going there. And, if he went there, we would still have to go.

Mr. FROELICH. Why would you?

Mr. Boggs. Because we are charged with the protection.

Mr. FROELICH. Well then, it would be possible to write into this to say that you only need to protect the President, or a former President, or President elect at one residence, and if he goes on his own beyond that, you are discharged from your responsibilities and he makes the choice of whether he wants the protection or not beyond that.

Mr. Boggs. Are we saying now that he needs protection at one time and not another?

Mr. FROELICH. No. We are saying, Mr. President, you make the decision. It is your life, it is your safety, and we cannot afford to protect you at both Key Biscayne and San Clemente, Mr. Former President. And tell me, what are you doing to Key Biscayne and San Clemente now with former President Nixon?

Mr. Boggs. Sir, we have indicated our intentions to the Treasury, and we are awaiting direction from the Treasury Department to proceed at the Key Biscayne location with a determination to close out the operation.

Mr. FROELICH. You are?

Mr. Boggs. That is what we intend, but we are awaiting direction from our superiors.

Mr. FROELICH. And who is your superior?

Mr. Boggs. My immediate superior is the Assistant Secretary, Mr. McDonald, and, of course, Secretary Simon is the ultimate superior.

Mr. FROELICH. So you are moving forward?

Mr. Boggs. Yes, sir. We have removed some equipment already.

Mr. FROELICH. How much protection do you give a former President? I mean, how many men to protect him?

Mr. Boggs. Again, sir, in open session without discussing numbers, I will be glad to discuss with you—

Mr. FROELICH. What are the risks to a former President? I mean, he is no longer in authority, and we could get this information by go-

ing into executive session, but you know, I think there is a certain amount—I think the gentleman from California has some good questions. You know, how much security do we have to provide a former President and, you know, what are the risks and how much do we have to spend to protect him?

Mr. BOGGS. I would say, sir, that the risk can vary depending upon the social atmosphere.

Mr. FROEHLICH. How much danger is there for the assassination of a former President?

Mr. BOGGS. Well, sir, I cannot respond. That is not our function. The law says that we will protect and we do that prudently and judiciously. And in the instance you cite—

Mr. FROEHLICH. But you cannot talk about how prudently and judiciously?

Mr. BOGGS. I can talk to you about it, sir, privately or with any member of the committee. I do not like to discuss numbers and techniques in an open session, but we are very happy to sit down with anyone.

Mr. FROEHLICH. Excuse me, Mr. Chairman.

Mr. BOGGS. But may I say in protection of former Presidents we do have precedent. We have had three former Presidents and we do have a precedent relative to numbers, for instance, not that they are fixed in any one instance. It depends again upon the individual and what the atmosphere surrounding that individual is, the mobility of that person. A person who goes to one place and stays there and never leaves, certainly needs a lot less personnel than one who moves around the country.

Mr. FROEHLICH. Harry Truman?

Mr. BOGGS. President Truman, yes sir, a much lower level of manpower and equipment than if he were moving frequently and constantly around the country or around the world.

Mr. FROEHLICH. Do you not think that a proper question for Congress to address itself to is the amount of money they are going to spend on the protection, and in this case of a former President, and I am talking about whether it be Harry Truman, or Lyndon Johnson or Jerry Ford or whoever is the former President? You know, how much realistically should the American people spend to protect him? Now, we have never had a former President assassinated, never. And how long have you protected former Presidents?

Mr. BOGGS. Since 1965, sir.

Mr. FROEHLICH. Since 1965?

Mr. BOGGS. Yes, sir.

Mr. FROEHLICH. Up until 1965 have we ever had any threatened, or prior to that? Why did we start protecting former Presidents, because the Warren Commission thought it would be a good idea?

Mr. BOGGS. It was the result of an action of Congress, a joint resolution in 1965, not the Warren Commission.

Mr. FROEHLICH. Who recommended it? Did somebody in Congress get the idea and we whipped it through here?

Mr. BOGGS. I do not have the historical data as to who introduced the resolution or the bill.

Mr. FROELICH. Where did the recommendation come from? Did it come from you?

Mr. BOGGS. No, sir. I think it came from President Johnson. I am not sure.

Mr. FROELICH. From time to time we have to analyze that decisions we have made previously. Times change and situations change, and in this case, costs change. And I think this bill provides a vehicle for getting some answers and for reappraising what we are doing, especially in this area of former Presidents.

Mr. BUTLER. Would the gentlemen yield?

Mr. FROELICH. Yes.

Mr. BUTLER. It is also protection to the widows of former Presidents, is it not?

Mr. BOGGS. Yes, sir, and the minor children of former Presidents to the age of 16; unless such protection is declined.

Mr. BUTLER. Minor children of former Presidents? And did I read correctly that we are spending \$300,000 a year on the protection of Mrs. Eisenhower, Mamie Eisenhower?

Mr. LONG. Yes, sir.

Mr. BUTLER. That is not an inaccurate statement?

Mr. LONG. Correct, that is not an inaccurate statement, sir.

Mr. BUTLER. Well, at the time we expanded it to the protection of former Presidents, that was the same time we expanded it to the widows?

Mr. BOGGS. Yes. There were subsequent amendments, as I recall, about that time, that included widows of former Presidents unless they remarried or declined. In the case of Mrs. Onassis, of course, we do not protect her.

Mr. LONG. Those were a series of acts by the Congress, as I recall.

Mr. BOGGS. A series of acts that changed the authority.

Mr. BUTLER. I recognize this is not within the scope of this legislation, but I am curious as to what extent is the Secret Service protection simply a protection from annoyance to ex-Presidents?

Mr. BOGGS. We do not look at it from that position.

Mr. BUTLER. This is purely security, life or accident?

Mr. BOGGS. We are interested in their protection and safety.

Mr. BUTLER. Thank you. No questions. I yield back.

Mr. FROELICH. I yield back, Mr. Chairman.

Mr. DANIELSON. May I ask a couple of questions, Mr. Chairman?

Mr. DONOHUE. You may.

Mr. DANIELSON. I feel Mr. Froehlich has brought up a relevant point.

Mr. BUTLER. That was mine, George.

Mr. DANIELSON. It had not even occurred to me. I would assume then that we are presently protecting Mrs. Truman as well as Mrs. Eisenhower?

Mr. BOGGS. And Mrs. Johnson.

Mr. DANIELSON. Are there any others still alive?

Mr. BOGGS. No. Just those three. Mrs. Onassis has remarried, which by law precludes her protection.

Mr. DANIELSON. I do not remember, Mrs. Coolidge or Mrs. Harding or somebody just died a couple of years ago. Were they included?

Mr. BOGGS. No, they were not.

Mr. DANIELSON. At least we do not reach Mrs. Roosevelt Longworth?

Mr. BOGGS. No.

Mr. DANIELSON. And age 16 is the age limit on that?

Mr. BOGGS. That is the age limit for the minor children of former Presidents to receive protection.

Mr. DANIELSON. President John F. Kennedy's children I guess would still be under 16?

Mr. BOGGS. No. We dropped Caroline last November. We still have John Kennedy.

Mr. DANIELSON. I was not even aware of this. Mr. Truman and Mr. Eisenhower, the former Presidents, are both dead and gone, so I do not see how any security could be jeopardized by answering my question. How many permanent places did you protect for former President Truman?

Mr. BOGGS. One.

Mr. DANIELSON. Just the home. How about former President Eisenhower?

Mr. BOGGS. One.

Mr. DANIELSON. And his main abode was Gettysburg?

Mr. BOGGS. Gettysburg, yes, sir.

Mr. DANIELSON. Though he spent many months of the year down in Palm Springs.

Mr. BOGGS. Yes, sir, in a cottage that was constructed while he was under our protection, and during the construction, they were kind enough to build in some things, at no expense to us or the Government.

Mr. DANIELSON. Well, I think that was built by some very good friends of Mr. Eisenhower's, if I remember correctly.

Mr. BOGGS. Yes, sir. But they also accommodated some of our needs in their construction.

Mr. DANIELSON. Did you have any type of permanent protection there or only when he was President?

Mr. BOGGS. Only when he was here. The cottage, of course, is on a private golf club also.

Mr. DANIELSON. Yes, I know where it is. I think this other aspect though of getting, into the peripheral relatives of a former President should be significant. I think certainly Mrs. Truman and Mrs. Eisenhower should be reasonably protected, but I just cannot imagine anybody posing much of a threat to either of those two fine ladies. It is hard for me to imagine. Can you tell me what is the cost of protecting someone like Mrs. Truman? You do not have to tell me how many men, but how many dollars?

Mr. BOGGS. The cost is, I would say, just off the top of my head, Mr. Congressman, somewhat less than Mrs. Eisenhower, and we were saying that Mrs. Eisenhower's was around \$300,000 a year. Again, I would not want to be held to it unless Mr. Long has the figures.

Mr. LONG. It is approximately \$250,000.

Mr. BOGGS. A little less.

Mr. DANIELSON. For Mrs. Truman?

Mr. BOGGS. Yes.

Mr. DANIELSON. And roughly \$300,000 for Mrs. Eisenhower?

Mr. LONG. A little over \$300,000, sir, for Mrs. Eisenhower.

Mr. DANIELSON. Does she have more than one home with permanent protection?

Mr. BOGGS. This is who.

Mr. DANIELSON. Mrs. Eisenhower.

Mr. BOGGS. Mrs. Eisenhower visits Augusta, Ga. annually, but again, that is a temporary abode and we do not provide any permanent facilities. Again, when that cottage was built I happened to be on President Eisenhower's detail and they did build into that cottage some of our needs.

Mr. DANIELSON. And that was built on the private golf course, the Bobby Jones golf course or something.

Mr. BOGGS. The Augusta National, and that cottage is the one which Mrs. Eisenhower uses. She goes there annually.

Mr. DANIELSON. And the facilities are there for protection?

Mr. BOGGS. Not to any extent.

Mr. DANIELSON. But the physical facilities are there, and then you occupy them or you activate them when she goes there?

Mr. BOGGS. I am talking about elaborate, sophisticated equipment. They build in accommodations for our people in the basement, and some telephone communications and some alarm systems that belong to them.

Mr. DANIELSON. Here is a hypothetical. Let us just suppose that the widow of a former President were to decide that in addition to her regular abode, plus the vacation abode, that she decided to open another one in Arizona someplace. Under existing law it would be your obligation to provide protective facilities there too then, is that correct?

Mr. BOGGS. Primarily in manpower, sir. I doubt if we would make any permanent installations.

Mr. DANIELSON. Who would have the discretion on that?

Mr. BOGGS. We would make the determination regarding the security needs. As I say, she spends 2 months in Augusta.

Mr. DANIELSON. No, No, I am talking about, I said suppose a widow, when we have a new one.

Mr. BOGGS. But using Mrs. Eisenhower as an example on her pattern of travel. She goes to Augusta National and spends at least 2 months, may be a little more a year every year. Now, if that cottage had not been constructed in the manner it had been, with some accommodation to us, our judgment would say no, we do not put in permanent installations. We would carry that in a trip package. And relative to former Presidents and widows of former Presidents and minor children, we only secure more or less on a permanent basis their primary residence.

Mr. DANIELSON. But now I gave you a hypothetical because it has to do with this bill. My hypothetical example has to do with subsection (2) (a), page 2. Suppose that a widow decided to spend 3 months a year in Oak Creek Canyon, Ariz., and seriously made that determination. Now, what would you do then? That is a new facility now.

Mr. BOGGS. We might make a judgment for some minimal installation, nowhere on the posture of what we would call a permanent installation. Again, we may not. It just depends on the facility, where it is and how it is located.

Mr. DANIELSON. The discretion is with Secretary of the Treasury and would reside in the Secretary of the Treasury who acts upon your recommendation?

Mr. BOGGS. I would say that by being our superior and our department head he would have the final decision over any of our decisions.

Mr. DANIELSON. You make the recommendation and, of course, he has to authorize it or approve it? OK. Thank you.

Mr. FROEHLICH. Would you yield?

Mr. DANIELSON. Yes.

Mr. FROEHLICH. Do you have to send a recommendation upstairs for approval by someone before you install some equipment?

Mr. BOGGS. No.

Mr. FROEHLICH. You make a decision?

Mr. BOGGS. Yes, sir. That authority is delegated to the Director of the U.S. Secret Service. However, in these installations, as Mr. Long pointed out, in the procedures that we have established, for any operations or facilities, the agencies review before there is approval of our actions to be taken.

Mr. DANIELSON. I yield totally.

Mr. FROEHLICH. Let us take a hypothetical, and say widow A decides to take up permanent residence in Arizona. Now, what are you going to do?

Mr. BOGGS. In a permanent residence, going to relocate—

Mr. FROEHLICH. Going to relocate and live out there?

Mr. BOGGS. Then our judgment would indicate some permanent installations, but that would be the equipment, the same equipment in many instances that we were using at the former residence. It would be a transfer of equipment. There would be installation costs.

Mr. FROEHLICH. What would that consist of? What would your minimal protection be for a widow of 20 years standing that moved to Arizona?

Mr. BOGGS. Again we are getting into techniques, sir, and I will be glad to discuss that with you privately. But, as far as the type of equipment and what we use, it would be undoubtedly, in general terms, some alarms, some intrusion alarm type thing, possibly some closed circuit television installation, and again, it depends on the physical set up. We have to look at it as what do we need. By the utilization of some of this equipment we can reduce the manpower need.

Mr. FROEHLICH. Thank you, Mr. Chairman.

Mr. DONOHUE. Now, under existing law, Public Law 90-331, section 2, when the request is by the Director of the U.S. Secret Service to Federal departments and agencies, unless such authority is revoked by the President, they shall assist the Secret Service in the performance of its protective duties under section 3056 of title 18 of the United States Code. And under the first section of this joint resolution does that mean, and I assume it means, that the Director of your Secret Service could call on any agency within our Government for services, and materials, and what have you, in the carrying out of your primary duty, or one of your primary duties of protecting the President?

Mr. BOGGS. Of any of our protectees, sir.

Mr. DONOHUE. Any?

Mr. BOGGS. Yes. The President and Vice President are in a little different category in the support element.

Mr. DONOHUE. In other words, any of the other Federal departments could not voluntarily extend the services and material, and that being

so, to your knowledge, did the Director of the Secret Service request other departments to furnish services, and material and equipment and all of that sort of thing in carrying out its duties at San Clemente and Key Biscayne?

Mr. BOGGS. Yes, sir.

Mr. DONOHUE. And whatever services, and materials and facilities they furnished, they were not reimbursed by your department?

Mr. BOGGS. No, sir.

Mr. DONOHUE. Did you request the GSA to render services and furnish materials and all of that sort of thing to San Clemente and Key Biscayne?

Mr. BOGGS. Yes, sir.

Mr. DONOHUE. And have you any idea of what it cost?

Mr. BOGGS. Well, I think those figures—

Mr. DONOHUE. What it cost GSA to perform those services and furnish that equipment?

Mr. BOGGS. Sir, I do not have the figures with me. They are of public record. If you wish us to furnish them, we could but I do not want to speak for GSA concerning their costs, I would rather they address that. We know what our costs were. We know as a result of certain investigations of activities what the published figures are, and I do not have them with me.

Mr. DONOHUE. And do I understand that all of the services and facilities, equipment furnished by GSA at the request of your Director were all necessary for the protection of the President?

Mr. BOGGS. The requests we made, we feel, were prudent and had a security need; yes, sir.

Mr. DONOHUE. Well, probably Mr. Brooks could enlighten us as to some of the services and equipment that were furnished.

Mr. BROOKS. I will be pleased to comment after you have concluded.

Mr. DONOHUE. I would like to have you give it to us now.

Mr. BROOKS. I will be delighted.

Mr. Chairman, I want to thank you for an opportunity to be recognized, and I would just make an observation or two and say that the report of October 15 by the Secret Service amending their procedures, I do not know why they did it, but I will point out that the hearings on how they had expended this money and recommended these expenditures had occurred in public hearings on October 10, 11, 12, and 15.

And on the 15th they put out some recommended changes in their procedures, which I think are constructive.

On February 22 of this year they reviewed those, updated them and made some additional improvements.

Basically they seem to be reluctant to pay for what they recommend. After San Clemente, for example, they recommended and approved the installation of an exhaust fan in the fireplace. At Key Biscayne, they recommended a fence for protection, a reasonable recommendation. The GSA—let me show you how this ran—the GSA then built the fence. And, Mr. Boggs did not know what it cost, and they could not care less, and they gave you every impression that it was not their responsibility to determine the cost. They are not very cost-conscious gentlemen. They are fine people, of course, but that fence that they recommended cost \$66,000 and was made of aluminum

with a spire exactly like that down at the White House. It was a special order, specially made, and had no relation to the kind of a chain link fence that could have done the job just as effectively. They covered both sides of that fence so that you could not see it.

As I said publicly, they could have built it out of welded angle irons and it would not have made any difference, and this is the problem with not reporting what the facts are.

Now, the thrust of my legislation that you all are considering and have been considering is to replace this article that allows them to go to every agency in the United States and get anything they want without any regard to cost whatsoever, or accounting, the thrust of my legislation would give them complete authority on a temporary basis, without reimbursement to get whatever they need to take care of their protectees.

Second, it would require them, if they put in permanent installations, and went beyond temporary installation and protection, to ask for and get, and get from any agency in the Government or anywhere they want to get whatever they need to protect the President, and that is what this Nation wants, they want them well protected, and I do, all of the protectees, but then they would be required under this legislation to reimburse those agencies at a later date, after it was installed. They could come to Congress and Congress will give them the money. There is no question about that.

I feel certain that Mr. Boggs is aware of this report, and I might say if you have not received a copy of that report, Mr. Boggs, I wanted you to have a copy of the report.

Mr. Boggs. I have it, sir.

Mr. Brooks. You do have it?

Mr. Boggs. Yes, sir.

Mr. Brooks. And you will recollect that it was approved by a vote of 36 to 0, and this is on a bipartisan basis, by the Government Operations Committee, and has some rather clear examples of mismanagement. And so this legislation will just allow the Secret Service to do whatever you think is necessary without reimbursement on a temporary basis, and would require you to keep an accounting of what you spend otherwise. And you can hide that anyway you want. The Secret Service has the authority to change funds around, they have some flexibility down there, I understand that. I am not limiting that in any way. But, on the general expenditures you will have to come in and reimburse those agencies, and so we will know what the cost is, and then Mr. Froehlich's question can be answered as to what we do spend, in effect, to protect widows, and all of the protectees, and the President, and the Vice President, and his family. And I would say that this reimbursement subsequently takes any pressure off of you about having the funds to accomplish that which is necessary for the protectees.

Those tape machines, I never did find out, I never did think about that, and we did not use that. That was one of the most interesting things I heard in that little meeting, that those things belong to you, and if they were security oriented, I would like to know who authorized that? It was your predecessor probably. But, I want to say that everyone believes in protection for the protectees and the President.

I might say that Governor Rockefeller volunteered, he came by my office and visited and he said, you know, the Secret Service was out at my place, and he stayed out on Foxhall Road, and he said they wanted to put some lights out in the back. And he said I told them it's all right to put those lights out, Congressman, but I remembered you and I told them to send me the bill, and so I am encouraged by Mr. Rockefeller's attitude. And I am sure the Secret Service will be pleased to do that.

But, I would say that the American people are interested in protecting our American Presidents, and Vice Presidents, and their families, and we want them to have decent homes. And I think fixing up one of these homes per protectee is quite adequate. But I think the Congress ought to know how much they spend. And when they authorize—I do not know who authorized the shark net at San Clemente, but it cost a good bit of money, and there were a lot of expenditures down there that the Secret Service recommended that were implemented in a very lush manner, in accordance with the esthetic values determined by people other than employees of the Federal Government. And in some instances the record reflects the improvements were made, and the justification thereof on the requests, by Secret Service who requested it after they had been installed. This I think is particularly reprehensible.

Mr. DONOHUE. I was wondering, Mr. Brooks, could you tell us what was the overall costs expended by the GSA at San Clemente and also at Key Biscayne?

Mr. BROOKS. These figures are reflected in the report.

Mr. DONOHUE. I know, but for the benefit of the committee at the present time.

Mr. BROOKS. I am trying to think. Let me see. The breakdown on this is on Key Biscayne, personnel expenditures, annual personnel cost \$956,000. I will leave off the hundreds.

Mr. DONOHUE. Was that GSA personnel?

Mr. BROOKS. GSA's annual cost on salaries was \$55,000. The White House communications cost was \$65,000. The Coast Guard patrol, they had a full time Coast Guard patrol outside of that shark net, and they were on 24-hour duty—

Mr. DONOHUE. Well, how much was that?

Mr. BROOKS. \$467,000. The Secret Service personnel for fiscal year 1973 was \$369,000.

Mr. DONOHUE. Well, that came out of their budget?

Mr. BROOKS. That is correct. But, it did not cover any of these others.

Mr. DONOHUE. What I am interested in is finding out how much came out of GSA's budget.

Mr. BROOKS. Well, for their annual cost of salaries, it was \$55,000, for installation, operations, and maintenance, capital expenditures, equipment, operation and maintenance, it was a total of \$1,180,522. That is only at Key Biscayne.

And at San Clemente the GSA figure only, annual salaries were \$82,000 plus, and installation, operations, and maintenance, residence, office complex, equipment, capital expenditures, operation, and maintenance totaled \$2,444,447.

Mr. DONOHUE. Now, just a moment. Do I understand that the Secret Service agency directed and authorized or requested all of these?

Mr. Boggs. All of those expenditures were not at the request of the Secret Service.

Mr. DONOHUE. Well, at whose request?

Mr. Boggs. Well, I cannot speak for the military. They did work on installation on the house down there and that type of thing. Well, as I say, all of these expenditures were not at our request.

Mr. MOORHEAD. Well, one thing I would like to know is, how many days were spent at those places to justify that kind of expenditure for security?

Mr. DONOHUE. I do not think that these gentlemen would know that.

Mr. MOORHEAD. Well, I would imagine that they would. They provided the services. How many days were spent at these locations to provide the justification for this kind of expenditure?

Mr. BOGGS. You mean how many days was the protectee there?

Mr. MOORHEAD. Yes.

Mr. BOGGS. I do not have the exact figures.

Mr. BROOKS. One thing that you might be interested in is that the Department of Transportation furnished at Key Biscayne electronic equipment, buoys, and six small boats, for \$137,000, and a security detail building for \$31,000, additional buoys for \$1,500, docking and a boat house for the President's hydrofoil at \$21,000. And the Department of Transportation expended \$191,000 down there.

Mr. MANN. Are you saying now that that request did not come through—

Mr. BOGGS. I said, sir, that all of the GSA expenditures are not at our request.

Mr. MANN. How about the DOT?

Mr. BOGGS. The Coast Guard control was at our request, yes, sir.

Mr. DANIELSON. The Coast Guard is in the Department of Transportation.

Mr. MANN. Going back for a moment, and pardon me for interrupting, the figure you gave us in connection with Mrs. Eisenhower, for example, was slightly over \$300,000. Are there additional amounts expended by GSA, perhaps at your request in connection with her protection?

Mr. BOGGS. That would be strictly for a maintenance type posture.

Mr. FROELICH. Maintaining what?

Mr. BOGGS. Some supplies.

Mr. MANN. How about matters like type of automobiles?

Mr. BOGGS. No, sir.

Mr. MANN. Things of that sort?

Mr. BOGGS. No, sir. That is out of ours.

Mr. MANN. You provide an automobile?

Mr. BOGGS. Yes, sir.

Mr. BUTLER. You do? I did not understand that answer.

Mr. BOGGS. Yes, we do provide an automobile.

Getting back to what I think your point is, Mr. Congressman, the expenditures that GSA made, as I understand it, a great deal of those expenditures made by GSA were in their role as support of the President's administrative type operations. This is my understanding.

Mr. MANN. But getting back to the widow situation again—

Mr. LONG. They have very minimal expenditures with someone like that.

Mr. MANN. But since we seem to be so interested in this automobile, you provide and specify a type of automobile because of security?

Mr. LONG. Because of the security, yes, sir. We have to have it under our control.

Mr. MANN. That includes drivers and other things?

Mr. LONG. Yes, sir.

Mr. BUTLER. Would the gentleman yield?

Mr. MANN. Yes.

Mr. BUTLER. Are we talking about all protectees, automobiles for all protectees?

Mr. BOGGS. Yes, sir.

Mr. BUTLER. Let us be specific now. Mrs. Truman will have an automobile?

Mr. BOGGS. Yes, sir.

Mr. BUTLER. A Lincoln Continental?

Mr. LONG. Not necessarily.

Mr. BOGGS. Not necessarily a Lincoln.

Mr. DANIELSON. What kind does she have?

Mr. BOGGS. I do not know. It could be a Mercury.

Mr. BUTLER. Who drives it?

Mr. BOGGS. We have an agent driver because this gives us the additional security required with an agent controlling the vehicle.

Mr. BUTLER. In the event that they become ill, do you provide nursing care?

Mr. BOGGS. No, sir. In former President Truman's instance, there was a corpsman. There were corpsmen on duty from the Navy.

Mr. BUTLER. So, since the Navy provided that service, you did not?

Mr. BOGGS. The Navy provided it, yes, sir. But, it came through the Office of the Liaison of the former President.

Mr. FROELICH. Who was charged with that, the Navy? What was the accountability?

Mr. BOGGS. The Navy.

Mr. FROELICH. So we would have to go in the Navy budget and find out how much they paid for corpsmen for President Truman?

Mr. BOGGS. Yes, sir.

Mr. BUTLER. Mr. Chairman, would it be inappropriate to ask these people to come back at another time and give a more extensive report?

Mr. FROELICH. In executive session so that we can get some facts.

Mr. BUTLER. A more extensive report with reference to the protection accorded ex-Presidents and their widows?

Mr. DONOHUE. I have no objection to continuing this hearing and inviting the gentlemen back again so that detailed report that you so desire.

Mr. BUTLER. And also, you could also tell us what your view of the immediate families will be. I am concerned because this could mount up to a considerable amount of money. And I would like to know generally your plans in this area and what you consider your obligations to be.

Mr. FROELICH. Mr. Chairman, may I add a footnote and ask you to bring us a record of the type of protection that you provided, that the Government provided Harry Truman, understanding that he was a one-residence former President, did not do a lot of traveling. But, I would be interested to know. We would like to know how often you

traded the car, how many drivers, how many other Secret Service men, and how many corpsmen and any other services that were provided. That is a good example, because that is a low-cost protection example. Give us a total and complete story from the time he left the Presidency until the time of his death.

Mr. BOGGS. We did not cover him when he initially left the Presidency. It was 13 years later.

Mr. FROELICH. OK, from when you started until the time that he died, and when the Government started until the time that he died. All of the services provided to him that you can conceivably think of, or that your agency knows of. Since you did not provide the corpsmen, did you request corpsmen?

Mr. BOGGS. I am trying to recall, sir. There was one on duty, and because of his infirmity others were added at a later date, and I cannot right now tell you whether we requested them or not.

Mr. FROELICH. The question in my mind is once you are elected the President, are you then entitled from that point on to cradle-to-grave protection from the Government? I mean, do you never become a private citizen again? Is he really royalty?

Mr. BOGGS. Unless he declines.

Mr. FROELICH. Is he really royalty? I think that is the question that the American people have to ask.

Mr. BOGGS. Sir, I cannot answer it.

Mr. FROELICH. And he gets free medical services as a part of his protection.

Mr. BOGGS. I cannot address myself to the medical services either.

Mr. FROELICH. I think these are questions that need to be answered.

Mr. DONOHUE. I think that might be well, having in mind the existing law which reads that when requested by the Director of the Secret Service the Federal departments and agencies shall assist the Secret Service in the performance of their protective duties. I think it might be well if you inform the committee just what you did request for the security and protection of the President at Key Biscayne and also at San Clemente, what he requested and what he did not request, that was furnished.

Mr. BOGGS. I think, sir—

Mr. DONOHUE. And who furnished it, and at whose request was it furnished.

Mr. BOGGS. I think that is all in Congressman Brooks report.

Mr. MOORHEAD. Is the same information there concerning Johnson's property in Texas and his protection?

Mr. BOGGS. The degree we got into it. Is that correct, Mr. Brooks?

Mr. BROOKS. What was the question?

Mr. BOGGS. Did the hearings before your committee and your report include the facilities at Johnson City?

Mr. BROOKS. Yes; they did.

Mr. MOORHEAD. I understand a lot of that was done by the military forces down there rather than by the Secret Service and the GSA.

Mr. BROOKS. That is not correct. No.

Mr. BOGGS. When it came to the protective mission, it was—

Mr. BROOKS. Mr. Boggs, I will answer the question. No; that was not true.

Mr. MOORHEAD. No additions to the property from that source?

Mr. BROOKS. I think a minimum by the military. The only measure, I was down there for the ceremony of his memorial this past month, and landed on an airport, and it was built by private funds, not built by the Government at all, and at the time he was President they maintained some air control facilities there, all of which have been removed. And the Secret Service lived in a trailer for many a year there. And then they have a little house that he had, and subsequently all of that property has been deeded to the Government, so most of the removables have been removed. There is no need for them. Mrs. Johnson stays there, and has the right of residence, but she does not stay there all the time. She keeps an apartment in Austin, and she does a lot of traveling and stays with her daughters a bit.

Mr. MOORHEAD. Maybe we can get it all down to a lower level to approve.

Mr. DANIELSON. Whoever has the floor, will you yield a moment?

Mr. DONOHUE. I have it. Yes; I yield.

Mr. DANIELSON. Thank you, Mr. Chairman. You know I want to apologize. I was looking over Mr. Brooks shoulder when he was reading off some of these expenditures and I note that they are not all by the Secret Service. Some of them are by the Department of Transportation or by—

Mr. DONOHUE. GSA.

Mr. DANIELSON. And there are other departments and agencies that are making expenditures in connection with this protection. I feel, Mr. Chairman, that it is all within the purview of this proposed bill, H.R. 11499, and I think we ought to look into the entire picture of what other government agencies are spending money, and it ties into Mr. Froehlich's observation that perhaps once a President, always a President.

Mr. DONOHUE. Mr. Mann?

Mr. MANN. I certainly agree with your suggestion that we do not want to engage in any type of duplicative effort here, and so I would suggest that you perhaps coordinate with Mr. Brooks office and either designate what you have covered in the full record, and we can do a little homework ourselves in that connection. But, I am curious and wonder if there is reflected in that report the items that were done that were not at your request, and at whose request they were done? If we have some other method to achieve the property improvement I would like to find out. Can you perhaps separate that out for us?

Mr. Boggs. I again would defer to Congressman Brooks. I think that was covered extensively. The hearings were very extensive and very thorough, and I think the questions you are asking were revealed during that investigation and those hearings, and I would say most of the information you are requesting Congressman Brooks has.

Mr. MANN. All right. Do you think your records reveal who made the request if the Secret Service did not make it?

Mr. Brooks. Just fairly well, because most of those requests were not in writing. They were oral requests to the current head of the GSA, who has been in charge of those improvements basically, Mr. Sampson. And they made their implementation of the Secret Service requests pretty broad, and the Secret Service did not look beyond that. You

know, they said they wanted a fence and GSA built a gold plated one, so this is where you had the looseness of control, and this is the major problem.

Mr. MANN. Did GSA also call on other agencies to furnish services?

Mr. BROOKS. I do not believe the GSA did, but Secret Service must have because we have the Department of Defense substantially contributing to those security provisions, and we had the Department of Transportation.

Mr. MANN. I would be curious to know, for example, whether or not the President or the White House made a direct request to the Department of Defense, for example, which did not come from a recommendation of the Secret Service, did not come from the GSA program. Were there any direct requests?

Mr. BROOKS. It is very difficult to trace then. The White House did specifically direct the GSA and requested the GSA to do that landscape maintenance at San Clemente and they did it. But, it is pretty tough to get a copy of the request from the White House, from the assistants there, or from the President to the Defense Department or the Transportation Department as to who required and requested, for example, the helipad, which the Department of Defense spent \$412,000 for at Key Biscayne, and we have not got a copy of who requested that from the Department of Defense. And I do not imagine the Secret Service was against it. They may not have been the original requestors of that for security purposes, but they all kind of worked together and they ended up just doing it. And the one that they built out at San Clemente cost \$428,000.

Mr. DANIELSON. For what?

Mr. BROOKS. A helipad. It was one of the sore spots of my hearings because the helipad that the Presidents of the United States have used for years at the back, the foreign diplomatic entrance to the White House on the south side consists of three big concrete pads about this big, and that is all, and you and I could contract them out for \$2,000 and build them.

Mr. FROELICH. Mr. Boggs, under your present authority, if you decided to put in a fence, you decided that the fence is more protection than having it visually or electronically watched, that the fence is important, what do you have to do to get the cheapest fence in? You know, in the case the President should say, I do not want that wired fence with poles sitting there. You cannot put it in. What do you do then?

Mr. Boggs. Well, I can go over what we did, for instance, using San Clemente as an example. We needed a wall. Plans were submitted to the President's staff from renderings of types of walls that would be esthetic and acceptable with the President and the community, the Cypress Shore community. Upon approval of one of those fence designs, the fence was installed, or the wall was installed by the GSA.

We have to gain the approval of the protestee to make any installation on his property.

Mr. FROELICH. Here is the point. This is the important point.

What we do, we as taxpayers or as Congress, what protection do we have when you make the determination that we need a fence? What advanced publicity, you know, what is mechanism that we can expose

the fact that you can put up a \$5,000 fence or you have got to install a \$150,000 wall?

If the President had lived through that decision publicly, that the Secret Service, in order to succeed in their mission, needs a \$5,000 wire fence, because of the aesthetics of that place and the architectural controls, we have got to install a \$150,000 wall, now it seems to me that that type of exposure in advance provides us with the leverage for the President to say, I am not going to spend that much there.

Is there any mechanism that we can make that work?

Mr. BOGGS. I do not think I am in a position to answer that.

Mr. FROELICH. I am asking you for your suggestion. I want to arm you with the authority.

Mr. BOGGS. We notify the Appropriations Committee of the activities we may be entering into.

Mr. FROELICH. Let us say the President is going to be in office 4 years, and at the most 8 years. Constitutionally he cannot be there longer than 8 years.

So, what is wrong with you moving in, putting up the wire fence and taking it down 8 years later, rather than building a \$150,000 wall? I am using that as an example.

Mr. BOGGS. I go back again to say that we have to gain the approval of the protectee to make any installation, and if he did not want a wire fence, we could not put one there.

Mr. FROELICH. How can we give you the authority without requiring you to meet the protectee's requirements to protect him?

Mr. BOGGS. I honestly cannot answer that, because that question came up before when I mentioned to another Congressman that, we had been overruled on a certain item we felt there was a need for. We were overruled on it, and he was so disturbed by that, that he said I am going to see if we can get action and he said, well, you are the final authority.

Mr. FROELICH. I am concerned we are creating out of the Presidency a royalty, and this is not what the country is all about. That is not what this country should be all about.

We should do those things necessary for the brief period of time that individual is in authority, and when it is done, we can put it back, and it seems to me can do that a lot cheaper than we are doing it.

Mr. BOGGS. But, sir, we also, under the law, continue protection of that person, as a former President.

Mr. DANIELSON. Will the gentleman yield?

Mr. DONOHUE. Let me ask you this, do I understand that before the Secret Service agency would do anything to protect the President or expend any money to protect him, they first must get permission and approval by and from the protectee?

Mr. BOGGS. As far as installations or constructions on his private property, yes, we have to get approval. As a matter of fact, you will notice on the form that we have submitted for the record that it has a place for approval by the protectee, and if he does not approve it, we cannot install it.

Mr. DONOHUE. And if you thought, in connection with the facility to protect, that it would cost \$100,000, and he says no, that does not meet with his approval, I would like to have you come up with something that is going to cost \$500,000, then what would happen?

Mr. BOGGS. I am sorry, would you restate that. I did not get your last question.

Mr. DONOHUE. Let us assume you have sought the installation of a facility to protect the President that would cost \$100,000, and you presented the plan to him and he said no, that is not pleasing to me, submit another plan, or I have a plan that is going to cost \$500,000. What would you do then?

Mr. BOGGS. I think we would question it very stringently.

Mr. DONOHUE. What?

Mr. BOGGS. I think we would question it very stringently.

Mr. FROELICH. You would now.

Mr. DANIELSON. After you are done questioning, then what?

Mr. FROELICH. You did not question before, but you would now.

Mr. BOGGS. Because the decision to build and put it in there had been made by us and not the protectee. In order to achieve our goals, they did install, for instance, the wall, as opposed to a chain link fence.

Mr. DANIELSON. Could I have a minute to make a comment?

The CHAIRMAN. It is high noon.

Mr. DANIELSON. I will, therefore, make a brief comment.

Simply this, I think that the testimony this morning clearly demonstrates that we do need a bill of this type. I do not know precisely what will be in it, but we need a bill.

The gentleman's testimony makes it very clear that under existing law the Secret Service is charged with the responsibility of providing protection. But, there are not parameters based upon the expenses, and it is just a matter of chance or a guess as to whether or not you can do it for this figure or that figure or the other figure.

Now, it would ease that burden, Mr. Chairman, and eliminate some of the agonizing discretion that they have to exercise, if we did provide legislation which clearly set forth what are these parameters of protection. And I think that would facilitate everybody's situation here.

The Chairman posed a question. Suppose the President countered a \$100,000 proposal with a \$500,000 proposal. The witness says well, we would seriously question that. But, I think it is implicit that after they have seriously questioned it and the President says I still want the \$500,000 proposal, that is what you would get, because there is no law to prevent it.

Now, if we put in a law that prevents it, there would not be any problem.

So, I am in favor of this bill, much more than I was.

Mr. BOGGS. I would like to address myself to that. I would only respond again that we try to be fiscally responsible.

Mr. DANIELSON. I know.

Mr. BOGGS. If you are talking about a difference between \$100,000 and \$500,000, which we could not justify, then we would probably have to eliminate that installation and substitute manpower to cover that protectee's needs.

Mr. DONOHUE. If it were not in your budget, you could not expend that amount, and you would have to come back to the Appropriations Committee, would you not, for more money?

Mr. BOGGS. Yes, sir.

Mr. FROELICH. But if you had the responsibility in your budget for building the fence at Key Biscayne, rather than \$66,000 for a fence, it could have a \$10,000 fence if you had paid the bill, rather than the GSA.

Mr. BOGGS. I do not think it relates to whether we have to pay the bill. First the protectee has to approve it. If he does not approve it, then we cannot put it in.

Mr. BROOKS. Would you yield to me, Mr. Froehlich, for an observation?

Mr. FROELICH. Yes.

Mr. BROOKS. On the exact example, and the basis if \$100,000 to \$500,000, and that is a 5 to 1 expenditure, and an expenditure of five times as much as they proposed on the fence they requested, it could have been built for \$10,000 and they spent \$66,000 for one, and the Secret Service did not raise a finger. That is in the record.

Mr. DONOHUE. I would like the witness, Mr. Boggs, if he would, to bring before the committee the estimates that were made by the agency before you went into San Clemente and before you went into Key Biscayne for the protectee?

Mr. BOGGS. By estimates, sir, do you mean estimates of costs?

Mr. DONOHUE. Yes.

Mr. BOGGS. We do not make estimates of cost relative to the work GSA did. The only costs—

Mr. DONOHUE. Well, you have to have some estimate of cost in view of the budget that was appropriated or approved for the running of your department for the year that you went there?

Mr. BOGGS. What I am saying, Mr. Chairman, is that under 331, when we made a request to the GSA to install a fence or to do some work, they are the contractors, they are the architects, we do not know the costs. We are not in that business. They are the ones that make the determination of costs, based upon what we say is a security need.

Mr. LONG. But I might add, Mr. Chairman, that kind of a situation that existed before does not exist today by virtue of the Public Buildings Amendments of 1972. The very things you are talking about that heretofore, in the past, the GSA paid the bill for, the Secret Service now is required to pay the bill. So we now have to budget for such things as fences and installations at protective sites.

Mr. DONOHUE. When you are submitting your budget to the Appropriations Committee for an appropriation to carry out the duties of your department, you break it down, do you not?

Mr. LONG. Yes, sir.

Mr. DONOHUE. And state to the members of the Appropriations Committee that we need this money for this purpose and that purpose. Now, did you have something in the budget at any time for what it was going to cost your agency to protect the President at San Clemente and Key Biscayne?

Mr. BOGGS. So far as our costs, yes, sir. But, so far as the costs to GSA or the Department of Defense, or Department of Transportation, based on our requests on a security-need basis, those costs are not in our budget. Those costs were borne by the agencies.

Mr. DONOHUE. As to those costs borne by GSA or the Department of Transportation, can you give the estimates to us for the Department of Transportation and the GSA?

Mr. Boggs. I cannot.

Mr. Brooks. They were not line items, they absorbed those costs without making a specific request, the other agencies, and the Secret Service did not make any estimates of what those costs were, because they not only were not paying for them, they did not know what they were going to cost, and they just requested facilities by the GSA and the GSA paid for them.

And the Secret Service never questioned what they were going to cost because they were not picking up the tab. Under this legislation they would be required to reimburse them, and I think they, then, would have a little more awareness of how much money they are spending, because they would have to justify it.

Mr. Long. But under the Public Buildings Act—

Mr. Donohue. I think that is a strong part of your bill.

Mr. Long. Under the Public Buildings Amendments of 1972, all of the items you have been addressing with reference to fence installations on private property, which heretofore were the responsibility of the GSA, they had the specific statutory authority for that, is now the responsibility of the Secret Service.

So, we do have to budget and account for all of those types of expenditures that you are referring to.

Mr. Brooks. Mr. Long, these are all at the discretion of the head of the General Services Administration, you can delegate every bit of that authority to Secret Service without a question.

Mr. Long. But the law did that, and it changed the operation.

Mr. Brooks. He still can do it.

Mr. Long. The Public Buildings Amendments of 1972 abolished the GSA appropriations that they had available for this purpose, and our agency is now required to budget for and account for all of the items that you are talking about.

Mr. Brooks. My friend, you and I do not read that law alike. Do you mean to say that the Secret Service is now going to account for expenditures by the Department of Transportation and the Department of Defense?

Mr. Long. No, sir.

Mr. Boggs. Just GSA.

Mr. Brooks. Those were the things I was talking about. You apparently were not listening, but we will get you a copy of this transcript and you can analyze it thoroughly.

Mr. Long. I apologize. I thought you were talking about fencing and these other types of installations.

Mr. Donohue. Under existing law, the Secret Service is not required to reimburse the GSA or the Department of Transportation or any other departments, are you?

Mr. Long. No, sir. But, the expenses that heretofore were incurred on our behalf by GSA are now our responsibility and in our budget.

Mr. Boggs. And in our budget.

Mr. Froehlich. Mr. Chairman, just one more question.

I have here an indication that the GSA, in 1973, has spent \$1,180,000 on Key Biscayne. Now, are you telling me that if those expenditures were to be made today, they would be in your budget?

Mr. Long. Those portions that related to protection at our request would be in our budget. But all of those expenditures are not as a result of requests made by the Secret Service.

Mr. FROEHLICH. And are we spending any money that does not relate to protection?

Mr. LONG. The GSA has other responsibilities with reference to the Office of the President, a supportive responsibility, as I understand, and a lot of the expenditures were not made at our request, but were in their supportive role to the Office of the President.

Mr. FROEHLICH. Have we changed that law yet, Jack?

Mr. BROOKS. Not yet.

Mr. DANIELSON. Would the gentleman yield? I notice also the Department of Transportation.

Mr. BOGGS. That is the Coast Guard.

Mr. DANIELSON. How about the six small boats?

Mr. BOGGS. The six small boats were to patrol the key.

Mr. DANIELSON. No, I know, but six boats? I would think you could do it with one.

Mr. BOGGS. We did not request the six boats, they requested.

Mr. FROEHLICH. No, you requested the Coast Guard.

Here we are closing down search and rescue stations on Lake Michigan, but we have six boats floating around in the harbor protecting the President?

Mr. BOGGS. Just one on station at a time.

Mr. FROEHLICH. Only one? Then you only need one and you can change the detail.

Mr. BOGGS. We made a request for the security need, and they determined the resources needed for that.

Mr. FROEHLICH. You should have to pay for that out of your budget, and then there would not be six boats if it was in your budget. There would not be six boats.

Mr. BUTLER. What would you do if one of them was not working?

Mr. DANIELSON. Well, you could have two boats.

Mr. DONOHUE. This meeting will stand continued to a date to be decided by the Chair.

[Whereupon, at 12:10 p.m., the hearing was recessed, subject to the call of the Chair.]

U.S. SECRET SERVICE PROCEDURES AND REGULATIONS

THURSDAY, SEPTEMBER 19, 1974

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CLAIMS AND
GOVERNMENTAL RELATIONS OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met at 12:10 p.m., pursuant to adjournment, in room 2148, Rayburn House Office Building, the Hon. Harold D. Donohue [chairman of the subcommittee] presiding.

Present: Representatives Donohue, Mann, Jordan, Lott, and Butler.

Also present: William P. Shattuck, counsel, and Alan F. Coffey, Jr., associate counsel.

Mr. DONOHUE. We will call the next matter.

The subcommittee will be in order.

Mr. Mann.

Mr. MANN. Are there some matters that we asked you to report back to us on?

TESTIMONY OF LILBURN E. BOGGS, DEPUTY DIRECTOR, U.S. SECRET SERVICE, DEPARTMENT OF THE TREASURY; ACCOMPANIED BY CLINTON J. HILL, ASSISTANT DIRECTOR, PROTECTIVE FORCES, AND FRANCIS A. LONG, ASSISTANT DIRECTOR FOR ADMINISTRATION

Mr. Boggs. I have prepared no statement, sir.

I have facts and figures that were discussed.

We had no precise indication of everything you wanted, but I do have what I understood you wanted.

I have no statement, but will answer questions.

Mr. MANN. One area that I remember is on widows' expense. We had some approximations.

There were some services rendered by GSA with which you were not familiar?

Mr. Boggs. That is correct. We are never in a position to testify to GSA costs.

Insofar as installation costs are concerned in Gettysburg, I think we have extracted those from other records. They would be GSA

costs, not ours. We also know what are our equipment costs. They are handled by two different agencies, ours and GSA.

Mr. MANN. That is the current equipment from Mrs. Eisenhower?

Mr. BOGGS. And other; yes, sir.

Mr. MANN. Suppose you give that information to us.

Mr. BOGGS. The current Secret Service equipment cost at the Eisenhower farm: \$12,700. The installation cost of that originally, when installed, was \$7,860.

Mr. MANN. That is a one-shot figure. It is not a rental figure?

Mr. BOGGS. The \$12,700 is equipment owned by Secret Service which is recoverable in most part. Approximately 90 percent of that equipment is recoverable.

Mr. BUTLER. My question deals with the protection afforded the families, the immediate family. What determination you had made with reference to the protection which would be afforded the children and stepchildren of the Vice President-designate.

Mr. BOGGS. We have a determination from legal counsel as to what our definition of the immediate family would be and that would be the spouse, the children, sons or daughters, either by blood or legal adoption only.

Mr. BUTLER. So that the stepchildren would not be protected?

Mr. BOGGS. Not in our interpretation.

Mr. BUTLER. I think we had some general figures last time as to the cost of protecting ex-Presidents and more particularly ex-Presidents' widows. Have you had a chance to review that?

Mr. BOGGS. I have it by fiscal year or as it stands now.

Mr. BUTLER. I would like to know the annual cost of protecting Mrs. Eisenhower.

Mr. BOGGS. At this time?

Mr. BUTLER. Yes.

Mr. BOGGS. \$472,232.

Mr. BUTLER. That is in addition to—

Mr. BOGGS. That is for fiscal year 1974.

Mr. BUTLER. That is in addition to pension benefits received as a widow?

Mr. BOGGS. Yes, sir. This is just Secret Service cost.

Mr. BUTLER. What is the cost of protecting Mrs. Truman?

Mr. BOGGS. \$264,674.

Mr. BUTLER. And Mrs. Johnson?

Mr. BOGGS. Mrs. Johnson is \$553,309. These are all fiscal 1974 figures.

Mr. BUTLER. Any other members of the families?

Mr. BOGGS. John Kennedy.

Mr. BUTLER. John Kennedy, Jr.?

Mr. BOGGS. Yes, sir.

Mr. BUTLER. What does it cost to protect him?

Mr. BOGGS. \$314,145.

Mr. BUTLER. That will end at age 16?

Mr. BOGGS. That is right.

Mr. BUTLER. How old is he now?

Mr. BOGGS. He will be 14 in November.

Mr. BUTLER. These are annual Secret Service costs?

Mr. BOGGS. Yes.

Mr. BUTLER. Are other agencies involved in this protection?

Mr. BOGGS. Not as of now. What GSA performed in the way of maintenance, repair, and supplies is now budgeted in our budget. Anything GSA does for us in that light is reimbursable to them.

Mr. BUTLER. What do you anticipate that the cost will be of protecting the family of the Vice President-designate?

Mr. BOGGS. I don't think we have that figure. That has not jelled down to exactly what it will be. We don't know what his residence will be. We don't know Mrs. Rockefeller's activities. We are looking at the two children in the immediate family. We don't know what their activities will be. We are using a temporary detail until confirmation.

Mr. BUTLER. Do you have any idea when that will be?

Mr. BOGGS. The confirmation?

Mr. BUTLER. Yes.

Mr. BOGGS. I have no idea. We are not protecting his family.

Mr. BUTLER. Not his immediate family?

Mr. BOGGS. At the moment we are just protecting the designee.

Mr. BUTLER. I have mentioned before there are press reports to the contrary.

Mr. BOGGS. I am sorry, sir, they are wrong.

Mr. BUTLER. Are there any other people you are protecting, the families of Robert Kennedy—a Presidential contender?

Mr. BOGGS. A candidate or nominee. A President or Vice Presidential candidate or nominee. That is during a campaign year.

Mr. BUTLER. When did they arrive at that status?

Mr. BOGGS. That is a determination by a committee made up of the leadership of the House—

Mr. BUTLER. Was Robert Kennedy in that category at the time of his death?

Mr. BOGGS. No, sir.

Mr. BUTLER. There is no protection for anybody else in their status as widow of a protectee or child?

Mr. BOGGS. Only the widow of a former President and children up to age 16.

Mr. BUTLER. I have mentioned them all at this moment, haven't I?

Mr. BOGGS. Who we protect?

Mr. BUTLER. There are no others?

Mr. BOGGS. We protect foreign dignitaries—

Mr. BUTLER. Nobody else by virtue of their relationship to an ex-President other than the widows and children.

Mr. BOGGS. Mrs. Nixon will be protected, of course.

Mr. BUTLER. She is protected as the wife of an ex-president, and President Nixon's children, are they being protected?

Mr. BOGGS. No, sir; they are not.

Mr. BUTLER. Their protection is terminated?

Mr. BOGGS. That is right.

Mr. BUTLER. And no grandchildren?

Mr. BOGGS. That is correct.

Mr. BUTLER. Now, the other area I think Mr. Froehlich was interested in: He questioned you with reference to Harry Truman. I will read the question:

Bring us a record of the type of protection that you provided, the government provided Harry Truman, understanding that he was a one-resident former

President who did not do a lot of traveling. I would be interested to know how often you trade the car, how many drivers, how many Secret Service men and how many corpsmen and other services were provided. This is a good example because it was low-cost protection.

Mr. BOGGS. If we are going to discuss numbers, sir, again it will have to be in executive session.

Mr. BUTLER. Have you collected that information so in executive session we can have it?

Mr. BOGGS. Yes, sir.

Mr. BUTLER. That is the end of my questioning for the moment.

Ms. JORDAN. I would take it in executive session you would give some breakdown as to what is included in these annual totals which you have given to us, is that correct?

Mr. BOGGS. Yes, ma'am.

Ms. JORDAN. There is some incredulity expressed about the size of these figures which are necessary expenditures, I suppose, for the protection of each protectee.

I would like to know whether you supply to the Congress or to an appropriate appropriations committee on any annual basis the amount of money spent by Secret Service for the protection of a protectee?

Mr. BOGGS. Yes, we do to our appropriations committees.

Ms. JORDAN. You give them an annual accounting of expenditures?

Mr. LONG. Under the recently devised procedures we have we report to our appropriations committees quarterly the total cost of each protectee.

Ms. JORDAN. How long have you been doing that?

Mr. LONG. These procedures were effective last fiscal year. The reporting began this fiscal year. Although our appropriations committee has always been informed of the total cost on an annual basis.

Ms. JORDAN. This includes only the costs of Secret Service and not any other agency?

Mr. LONG. That is correct. With respect to costs previously borne by GSA, they are now budgeted and included in our appropriation for this fiscal year.

Ms. JORDAN. I have no further questions, Mr. Chairman, at this time.

Mr. LOTT. I will defer my questions at this time.

I am interested in a breakdown on these figures.

Mr. BUTLER. Mr. Chairman, could we now go into executive session and receive a report with reference to this?

Mr. DONOHUE. I think we should. I note there is a rollcall going on. We will have to have these gentlemen come back at another time and have them sit in with us in executive session.

Mr. MANN. We are only talking about 15 minutes of testimony.

Mr. BUTLER. Could we vote and come back?

Mr. DONOHUE. We could do that.

[Whereupon, a recess was taken, at the conclusion of which the subcommittee proceeded in executive session.]